

RE: Ministerial Code investigation- video interview- availability

From: [REDACTED]@gov.scot>
To: First Minister <firstminister@gov.scot>
Date: Fri, 29 Jan 2021 16:25:27 +0000

Hi [REDACTED]

That would be excellent. I will send through a calendar request.

Best wishes,

[REDACTED]

From: [REDACTED]@gov.scot> **On Behalf Of** First Minister
Sent: 29 January 2021 15:25
To: [REDACTED]@gov.scot>
Cc: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

[REDACTED]

Would 1000 work for you?

Many thanks

[REDACTED]

PS/First Minister | [REDACTED]

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From: [REDACTED]@gov.scot>
Sent: 28 January 2021 17:35
To: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

I think that should be fine, we had held the whole afternoon free so there shouldn't be a problem moving the time.

Monday would be great to test the videoconferencing. Let me know when on Monday morning would work for you and I will put something in the calendar.

Best wishes,

[REDACTED]

From: [REDACTED] [REDACTED]@gov.scot> On Behalf Of First Minister
Sent: 28 January 2021 15:03
To: [REDACTED] [REDACTED]@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

Is there any chance I can put this back 30 minutes please? So we would be starting at 1500?

Kind regards



PS/First Minister | [REDACTED]

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From: [REDACTED] [REDACTED]@gov.scot>
Sent: 27 January 2021 16:02
To: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

Many thanks. I have attached some generic joining instructions which set out things like recording, attendees etc.

I have also had massive issues with Webex- sound kept cutting out on my test calls with Mr Hamilton, and I think that it works really inconsistently with Scots devices. I've actually taken to hosting from my personal phone as that seemed more stable.

The reason we are using Webex not teams is it is the only Scots compatible VC software that allows the conversation to be recorded- I had looked at using teams but the option to record the meeting is currently unavailable within Scots.

Best wishes,



From: [REDACTED] [REDACTED]@gov.scot> On Behalf Of First Minister
Sent: 27 January 2021 15:47
To: [REDACTED] [REDACTED]@gov.scot>
Cc: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Thanks [REDACTED]

We are actually not the biggest fan of Webex we have nothing but issues with it – we have done a test run today for another call that FM is doing tomorrow and it

cut out after 2 minutes and we couldn't reconnect. A test run would be really helpful – I don't want it cutting out just as they are getting started but would Teams be an option as an alternative?

Kind regards



PS/First Minister |

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From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 26 January 2021 15:18
To: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

14:30 would be great. We are using Cisco Webex for the interviews, and I think it would be helpful to arrange a short technical test before we go ahead. Whilst Webex is reasonably intuitive it seems to have some really annoying glitches with Scots devices.

I will send through some background stuff later today, which gives information on a range of things including attendees, recording and note taking. Happy to discuss.

Best wishes,



From: [REDACTED] <[REDACTED]@gov.scot> On Behalf Of First Minister
Sent: 26 January 2021 14:11
To: [REDACTED] <[REDACTED]@gov.scot>; First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

No worries. Would 1430 be ok?

Can I also check what app we will be using for the call – just to make sure we have everything set up well in advance.

Many thanks



PS/First Minister |

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From: [REDACTED] [REDACTED]@gov.scot>
Sent: 26 January 2021 13:53
To: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

Apologies about the delay, I realised we hadn't fixed a specific time on the 1st. Mr Hamilton could do anytime that afternoon, so let me know what time would work best.

Best wishes,

[REDACTED]

From: [REDACTED] [REDACTED]@gov.scot> **On Behalf Of** First Minister
Sent: 18 January 2021 19:02
To: [REDACTED] [REDACTED]@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Thanks [REDACTED] we will hold the afternoon of the 1st February.

Kind regards

[REDACTED]

PS/First Minister | [REDACTED]

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From: [REDACTED] [REDACTED]@gov.scot>
Sent: 18 January 2021 18:11
To: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

Many thanks. I think Mr Hamilton now has other commitments on the 29th so can we hold a slot on the afternoon of the 1st?

Best wishes,

[REDACTED]

From: [REDACTED] [REDACTED]@gov.scot> **On Behalf Of** First Minister
Sent: 18 January 2021 16:14
To: [REDACTED] [REDACTED]@gov.scot>; First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

Could we pencil in for 29 January and/or 01 February.

I can keep both dates available for Mr Hamilton to try and make it work?

Let me know what times would best suit.

Kind regards

[REDACTED] PS/First Minister | [REDACTED]

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From: [REDACTED] [REDACTED]@gov.scot>
Sent: 12 January 2021 17:56
To: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

Mr Hamilton can do the 25th and the 29th, and possible the 26th (would be able to confirm next week).

Any time in the week of the 1st would be ok.

Best wishes,

From: [REDACTED]
Sent: 12 January 2021 17:11
To: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

Many thanks, I will ask Mr Hamilton for his availability in those two weeks and get back to you as soon as possible.

Best wishes,

From: [REDACTED] [REDACTED]@gov.scot> On Behalf Of First Minister
Sent: 11 January 2021 11:20
To: [REDACTED] [REDACTED]@gov.scot>; First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

[REDACTED]

Apologies for the delay in getting back to you and no worries for cancelling the meeting – I know how busy everyone is just now.

The week commencing the 25th January is when we are expecting the First Minister to be at committee. What dates and times would suit Mr Hamilton for that week? Would you be able to identify some dates for WC 25 January and also WC 01 February so we can give both Mr Hamilton and the First Minister a bit of flexibility?

As always happy to discuss further.

Kind regards

[REDACTED] PS/First Minister | [REDACTED]

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From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 06 January 2021 17:00
To: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

With apologies for any trouble caused, could we cancel the meeting arranged for next week?

Mr Hamilton is considering some additional written statements and documents and would like to defer any meeting with the First Minister until he has finished this work, so he can be sure of which issues he might want to discuss.

Mr Hamilton has indicated he may have some questions he would like to discuss with the FM- would it be possible to have a provisional slot in the diary in the week of the 25th in case this is required?

Happy to discuss.

Best wishes,

From: [REDACTED]
Sent: 30 December 2020 16:45
To: First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

Many thanks for suggesting these dates and understand that the date may need to change depending on any emergency business that might arise. Mr Hamilton would prefer the 13th if that would be possible?

I need to do a couple of things to finalise arrangements for the video interviews, but once I have done that I will send over some joining instructions. It would also be helpful to arrange a technical test with someone from the private office a couple of days before the meeting just to check everything works.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** First Minister
Sent: 22 December 2020 19:29
To: [REDACTED] <[REDACTED]@gov.scot>; First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

[REDACTED]

Apologies for the delay in getting back to you.

Can we suggest two dates please – Wednesday the 13th and Wednesday the 20th, both around 1500hrs. I do want to add a caveat (as I have to do with any meetings I currently arrange) that the First Minister may have to react to urgent business and I therefore may ask to reschedule. This would only be in an emergency situation and I will make all attempts to ensure the meeting takes place.

Grateful if you could send me the details of the video interview so I can arrange set up.

Please do not hesitate to contact me if you have any problems or queries.

Best wishes

[REDACTED]

Private Secretary to the First Minister
5th Floor | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | [REDACTED]
[REDACTED]



Office of the First Minister of Scotland

FirstMinister.gov.scot

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From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 16 December 2020 12:37
To: First Minister <firstminister@gov.scot>
Subject: Ministerial Code investigation- video interview- availability

P/S First Minister,

As you know, James Hamilton is currently conducting an investigation into the First Minister's self-referral under the Ministerial Code. The First Minister has provided a written statement to Mr Hamilton.

As set out in his letter of September 2020, Mr Hamilton may wish to invite those who have provided written statements to him to participate in an interview to discuss the content of the written statement and to allow Mr Hamilton to ask any supplementary questions.

Mr Hamilton is finalising his consideration of written statements, and would like to ask whether the First Minister would be available to participate in a video interview in the week commencing 11th or 18th of January 2021?

Best wishes,

[REDACTED]

Re: Correspondence for Mr Salmond

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Mon, 01 Feb 2021 12:07:54 +0000

Hi [REDACTED]

I am inclined to hold this for the moment at least until after I speak to the FM and maybe until I have spoken to LL.

See you later

James

On Mon, 1 Feb 2021 at 10:52, <[REDACTED]@gov.scot> wrote:

Hi James,

Please see attached first draft of a letter to Mr Salmond.

Best wishes,

[REDACTED]

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From: [REDACTED]
Sent: 01 February 2021 10:07
To: [REDACTED]
Subject: FW: FEE NOTE - Your Ref: , Client: Mr James Hamilton, Our Ref: 203976 | Advocate: Douglas Ross Q.C. ; Case Type: CIVIL NON LEGAL AID

Hi [REDACTED]

Please see attached a further invoice for the legal advice for the Mr Hamilton investigation work.

Best wishes,

[REDACTED]

From: SGLD Finance unit [REDACTED]
Sent: 01 February 2021 09:39
To: [REDACTED]
Subject: FW: FEE NOTE - Your Ref: , Client: Mr James Hamilton, Our Ref: 203976 | Advocate: Douglas Ross Q.C. ; Case Type: CIVIL NON LEGAL AID

[REDACTED]

Another invoice for your area

Regards,

[REDACTED]

[REDACTED]

SG Legal Directorate : Area 1G North, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED]

E-mail: [REDACTED]

I am working from home and can be contacted by email and Skype

From: Fee Rendering [REDACTED]
Sent: 30 January 2021 21:06
To: SGLD Finance unit [REDACTED]
Cc: Supplier Prompt Payment [REDACTED]
Subject: FEE NOTE - Your Ref: , Client: Mr James Hamilton, Our Ref: 203976 | Advocate: Douglas Ross Q.C. ; Case Type: CIVIL NON LEGAL AID

Dear Sir/Madam,

Please find attached a fee note for work undertaken by Douglas Ross Q.C. relating to:

Case Title: Ministerial Code Referral
Case ID: 203976
Client: Mr James Hamilton
Case Type: CIVIL NON LEGAL AID
Your ref:

Kind regards,
Faculty Services Ltd

For further detail of payment terms please refer to The Scheme for Accounting for and Recovery of Counsels Fees which can be found [here](#)

Fee enquiries to: [REDACTED]
Payment enquiries to: [REDACTED]
Credit Control enquiries to: [REDACTED]

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(Proposed Fee)

DX: 557000ED20
THE SCOTTISH GOVERNMENT
SGLD FINANCE UNIT
AREA GB-06
VICTORIA QUAY
EDINBURGH

Date of Issue 30/01/2021
Case ID 203976
Fee Note No. INV/DR-R27X186

P/O Number

SG97

8676 Page

1 of 1

Case Ministerial Code Referral
Client Mr James Hamilton
Payment Deferred No
Contact Name [REDACTED]
Advocate Douglas Ross Q.C.

Case Type CIVIL NON LEGAL AID
Deferment Period No Deferment
Contact Ref
Vat Reg No 716 8060 37

Date	Description	Amount	Vat%	Vat
26/01/2021	Perusing and considering draft questions and related papers. Providing comments thereon. Time engaged - 1 hour 15 minutes.	£300.00	20.0%	£60.00
VAT SUMMARY 20.0% (FEE) Amount: £300.00, VAT: £60.00		Total Fees	£300.00	
		Total VAT	£60.00	
		Total Due	£360.00	

[Tear-Off]

PAYMENT REMITTANCE - [Payment will be accepted by Cheque, Bank Transfer or Card (excl. Amex)]

Please send payment to:

BACS payment to:

Case ID: 203976

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Fee Note No.: INV/DR-R27X186

Fee Total £360.00

LESS Abatements

Payment Enclosed

Abatement Authorised by:

The VAT date for this supply is the date of payment – not the date of issue. In the event that this fee notification is challenged please return stating your reasons. When making payment please quote the Fee Note No. - a receipt will be sent by return.

RE: Private - James Hamilton investigation under the Ministerial Code

From: [REDACTED]@parliament.scot>
To: [REDACTED]@gov.scot>
Date: Mon, 01 Feb 2021 16:45:28 +0000

Many thanks [REDACTED]

That's useful and please would assume that is all I need at this stage and I will update members in the morning,

Needless to say when you know there is a move towards finalising the work it would be really helpful to have any insight you can share on timescales closer to the time,

Kind regards

[REDACTED]

From: [REDACTED]@gov.scot <[REDACTED]@gov.scot>
Sent: Monday, February 1, 2021 4:37 PM
To: [REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED]

No problem, before the election is definitely the intention at this point.

Best wishes,

[REDACTED]

From: [REDACTED]@parliament.scot>
Sent: 01 February 2021 14:56
To: [REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Thanks [REDACTED] just to confirm are you in a position to say before the election is the intention (I appreciate realistically that is feb / march due to purdah rules).

[REDACTED]

From: [REDACTED]@gov.scot <[REDACTED]@gov.scot>
Sent: Monday, February 1, 2021 2:15 PM
To: [REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED]

Apologies, I have been sorting out various things relating to video interviews today.

I think the information I provided last week is all that can really go to the committee at this stage- Mr Hamilton is keen to progress things as soon as he can, but I couldn't offer a definite view on whether that means this month or next is more likely for publication.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 01 February 2021 13:33
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

Hope you got some downtime over the weekend,

I am just putting together a briefing for the Convener for tomorrow's committee meeting – I can add on details in relation to James Hamilton's work and the associated timescales later today but just wanted to confirm at this stage that you will be able to provide a bit more detail on indicative timescales during the course of today?

Many thanks

[REDACTED]

From: [REDACTED]
Sent: Friday, January 29, 2021 11:18 AM
To: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Thanks [REDACTED]

That is helpful general context thanks for putting that together,

Couple of further points, do you have a sense of whether Mr Hamilton considers February or March as a likely timescale for his report? And has he considered whether he can publish when purdah rules come into force (end march)?

The Committee I think assumes the report will be issued in the next month or two and if it is a possibility that that is not the case I would like to be able to inform them,

Perhaps you could come back to me on these specific points before the committee meets on Tuesday morning, so sometime on Monday?

Have a good weekend

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Friday, January 29, 2021 11:11 AM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED]

Thank you for your email.

As you know, Mr. Hamilton has sought written submissions from a range of participants.

Mr. Hamilton is also currently undertaking video interviews with some participants where he has additional questions he wishes to ask them.

Mr. Hamilton intends to complete his report as soon as possible, and is conscious that the Scottish Parliament election is scheduled to take place in early May 2021.

Mr Hamilton is aware that it is intended that his report will be published, and will take the necessary steps to ensure that his report is compliant with any relevant court orders.

I hope this information is helpful- please let me know if you have any other questions.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 27 January 2021 11:51
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Many thanks [REDACTED], if I could have a response by
say Friday lunchtime that would be really helpful,

Kind regards

[REDACTED]

From: [REDACTED]@gov.scot
<[REDACTED]@gov.scot>
Sent: Wednesday, January 27, 2021 11:46 AM
To: [REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation
under the Ministerial Code
Sensitivity: Private

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Dear [REDACTED]

I'm well thanks, hope everything is ok with you.

I have passed your email on to Mr Hamilton and
we will get back to you shortly. Is there a
specific time by which it would be useful to have
a response?

Best wishes,

[REDACTED]

From: [REDACTED]
[REDACTED]@parliament.scot>
Sent: 27 January 2021 10:32
To: [REDACTED] [REDACTED]@gov.scot>
Subject: Private - James Hamilton investigation under
the Ministerial Code
Sensitivity: Private

Dear [REDACTED]

I hope you are well.

I clerk the SGHHC Committee and the
Committee discussed Mr Hamilton's
deliberations on the First Minister's self-referral
under the Ministerial Code yesterday. The
Committee would like to know what the
estimated date is for Mr Hamilton to reach a
decision. If you are unable to provide a date, an
accurate a timeframe for this decision and the
associated publication of his report would be

much appreciated. I am aware he received Mr Salmond's submission just before New Year and that he has sought and received statements for others. Will there be a stage where he interviews relevant people? I assume this will impact on the timing of his report. In addition, I assume his report will be published as is standard practice? I appreciate there will be substantiating evidence that may not be able to be published given the subject matter and relevant legal obligations that must be complied with.

An indication as to when the decision and associated report will be available would be very much appreciated as soon as you are able,

Kind regards


Clerk
SGHHC Committee

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Correspondence for Mr Salmond

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Mon, 01 Feb 2021 10:52:02 +0000
Attachments: Salmond letter Feb 2021 for comment.docx (13.69 kB)

Hi James,

Please see attached first draft of a letter to Mr Salmond.

Best wishes,

[REDACTED]

Dear Mr. Salmond,

Thank you for the written statements you have provided to me, which I have found clear and detailed.

As set out in my previous correspondence, I intend to invite participants to a video interview where I have additional questions I wish to ask, or matters to discuss. At the moment, I do not have any additional questions I wish to put to you. However, if there is anything else that you wish to draw to my attention, and you would find it helpful to discuss over video, I would be happy to arrange a discussion.

Yours sincerely,

James Hamilton

RE: James Hamilton call with Liz Lloyd

From: [REDACTED]@gov.scot>
To: Somers J (John) <john.somers@gov.scot>
Cc: [REDACTED]@gov.scot>
Date: Tue, 02 Feb 2021 18:20:05 +0000
Attachments: Video Interview- joining instructions.docx (15.02 kB)

Hi John,

Thanks, ironically we had a couple of technical issues with Mr Hamilton getting access to the call, but thankfully we managed to get everything sorted in the end!

I have attached some joining instructions. The main thing I wanted to draw to your attention is the intention to record the interview- can you let me know if that is ok with Liz?

I will forward on the calendar request now so you can get stuff set up tomorrow.

Best wishes,

[REDACTED]

From: Somers J (John) <John.Somers@gov.scot>
Sent: 02 February 2021 17:31
To: [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: James Hamilton call with Liz Lloyd

[REDACTED]

The logistical/IT set up for Mr Hamilton's call with FM seemed to work well. As Liz Lloyd's private office falls within my remit we'll ([REDACTED] and I) also provide logistical support to her tomorrow afternoon. So would you send any webex details directly to [REDACTED] (cc me) and we'll make sure that she's on the call ready for Mr Hamilton at 3pm.

Thanks and best wishes,

John

Video Interview with James Hamilton, Independent Advisor on the Ministerial Code

Thank you for agreeing to participate in a video interview with James Hamilton, Independent Advisor on the Ministerial Code.

These joining instructions explain key aspects of how the interview will be conducted.

The time and date of the relevant interview has been agreed, and a calendar request created.

Video Conferencing

The current lockdown arrangements make it legally mandatory for work to be done at from home where possible; in addition, travel restrictions relating to domestic and international travel are in place. For these reasons, the interviews will be conducted via videoconference, using Cisco Webex.

This software allows video and audio conferencing, and can be accessed via Scots, Microsoft and Apple devices.

Participants need to create a Cisco Webex account to access the meeting. Instructions on how to do this can be found here: <https://cart.webex.com/sign-up-webex>

The secretariat will arrange a test of the videoconferencing arrangements before each interview.

Attendees

Attendees may bring a companion to the meetings, e.g. from a trade union if they are a member.

A member of the secretariat will attend the meetings, to ensure the meeting progresses smoothly, and to ensure the recording of the meeting.

Recording of the meeting

An audio recording of the meeting will be taken. The secretariat will also take notes.

The secretariat will use the recordings to produce a transcript of the meeting. The transcript will be shared with the participant within 10 working days of the meeting.

Once the transcript is agreed, the audio recording will then be destroyed.

From: [REDACTED]
Sent: 03 February 2021 12:20
To: [REDACTED]
Subject: FW: Receipting - Action required on PO SG978676 VN3023513

Hi [REDACTED]

[REDACTED] is kindly looking into the invoices for me as the current 2 invoices both already have a purchase order. Hopefully this will be sorted today and if needed I will be able to raise them but I am also waiting to have the account code added to my permissions on EaseBuy.

Many thanks, [REDACTED]
[REDACTED] | **Scottish Government | Cabinet, Parliament and Governance**
Division | Tel: [REDACTED] **| email:** [REDACTED]

From: [REDACTED]
Sent: 03 February 2021 11:54
To: [REDACTED]
Subject: FW: Receipting - Action required on PO SG978676 VN3023513

Hi [REDACTED],

Apologies as I know you are just back from leave, but would you be able to have a look at this?

Best wishes,

[REDACTED]

From: [REDACTED] **On Behalf Of**
SGLD Finance unit
Sent: 03 February 2021 11:53
To: [REDACTED]
Cc: Supplier Prompt Payment [REDACTED]
Subject: FW: Receipting - Action required on PO SG978676 VN3023513

Hi [REDACTED]

To see email below repayment of invoice which was passed to you previously (email attached).

[REDACTED]

[REDACTED]

Assistant Finance Manager, SG Legal Directorate , Area 1-G North, Victoria Quay,
Edinburgh, EH6 6QQ

Tel: [REDACTED]

email: [REDACTED]

I am currently working from home and can be contacted by email and Skype

From: [REDACTED] **On Behalf Of** Supplier

Prompt Payment

Sent: 03 February 2021 11:11

To: SGLD Finance unit [REDACTED]

Subject: Receipting - Action required on PO SG978676 VN3023513

Receipting

In 2008, Scottish Ministers introduced a 10 working day payment policy in order to help businesses with their cash flow. **This policy remains a key priority for Ministers and the Scottish Government.**

EASEbuy indicates that the Purchase Orders (POs) raised for these goods/services (below) have not been **receipted**:

Supplier	PO	Voucher Number	Action Required
Faculty Services Limited	SG978676	3023513	Receipting

In order for these invoices to be passed for payment, we need you to consider which of the following steps need to be actioned:

If you have received the goods/services -

1. Action as detailed above as soon as possible – ideally today.

If you have not received the goods/services –

1. Please contact us immediately to discuss this invoice.
2. You should also contact the supplier to try and resolve the discrepancy with the PO and invoice.
3. Let us know via the [REDACTED] mailbox what the outcome of your discussion with the supplier is.

Once actioned there is no need to notify the mailbox.

Kind regards,
Purchase to Pay Governance

From: [REDACTED] **On Behalf Of** SGLD Finance unit
Sent: 03 February 2021 11:53
To: [REDACTED]
Cc: Supplier Prompt Payment [REDACTED]
Subject: FW: Receipting - Action required on PO SG978676 VN3023513

Hi [REDACTED]

To see email below repayment of invoice which was passed to you previously (email attached).

[REDACTED]

[REDACTED]
Assistant Finance Manager, SG Legal Directorate , Area 1-G North, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED]
email: [REDACTED]

I am currently working from home and can be contacted by email and Skype

From: [REDACTED] **On Behalf Of** Supplier Prompt Payment
Sent: 03 February 2021 11:11
To: SGLD Finance unit [REDACTED]
Subject: Receipting - Action required on PO SG978676 VN3023513

Receipting

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3. Let us know via the [REDACTED] mailbox what the outcome of your discussion with the supplier is.

Once actioned there is no need to notify the mailbox.

Kind regards,
Purchase to Pay Governance

**FACULTY SERVICES LIMITED**

Advocates Library
Parliament House
Edinburgh EH1 1RF
w: www.advocates.org.uk
e: [REDACTED]
t: 0131 260 5736

FEE NOTIFICATION
(Proposed Fee)

3023513 ✓

DX: 557000ED20

THE SCOTTISH GOVERNMENT

SGLD FINANCE UNIT

AREA GB 06

VICTORIA QUAY

EDINBURGH

Date of Issue 30/01/2021

Case ID 203976

Fee Note No. INV/DR-R27X186

P/O Number SG978676

Page 1 of 1

Not received

Case Ministerial Code Referral

Client Mr James Hamilton

Case Type CIVIL NON LEGAL AID

Payment Deferred

No

Deferment Period No Deferment

Contact Name

[REDACTED]

Contact Ref

Advocate

Douglas Ross O.C.

Vat Reg No. 716 8060 37

Date	Description	Amount	Vat %	Vat
26/01/2021	Perusing and considering draft questions and related papers. Providing comments thereon - Time engaged - 1 hour 15 minutes.	£300.00	20.0%	£60.00
VAT SUMMARY 20.0% (FEE) Amount: £300.00, VAT: £60.00		Total Fees	£300.00	
		Total VAT	£60.00	
		Total Due	£360.00	

Received

- 1 FEB 2021

SEAS Operations

-----[Tear-Off]-----

PAYMENT REMITTANCE - [Payment will be accepted by Cheque, Bank Transfer or Card (excl. Amex)]

Please send payment to:

BACS payment to:

Case ID: 203976

FACULTY SERVICES LIMITED
Advocates Library
Parliament House
Edinburgh
EH1 1RF
DX No: ED549302

Fee Note No.: INV/DR-R27X186

Fee Total £360.00

LESS Abatements

Payment Enclosed

Abatement Authorised by:

The VAT date for this supply is the date of payment - not the date of issue. In the event that this fee notification is challenged please return stating your reasons. When making payment please quote the Fee Note No. - a receipt will be sent by return.

Registered No: 48621-Scotland

Faculty Services Limited - Vat No. 268 917 900

Printed on 30/01/2021 by: Douglas Ross O.C.

From: [REDACTED]
Sent: 03 February 2021 11:24
To: [REDACTED]
Subject: FW: FEE NOTE - Your Ref: , Client: Mr James Hamilton, Our Ref: 203976 | Advocate: Douglas Ross Q.C. ;
Case Type: CIVIL NON LEGAL AID

Regards,

[REDACTED]

[REDACTED]

SG Legal Directorate : Area 1G North, Victoria Quay, Edinburgh, EH6 6QQ

Tel: [REDACTED]

E-mail: [REDACTED]

I am working from home and can be contacted by email and Skype

From: SGLD Finance unit
Sent: 01 February 2021 09:39
To: [REDACTED]
Subject: FW: FEE NOTE - Your Ref: , Client: Mr James Hamilton, Our Ref: 203976 | Advocate: Douglas Ross Q.C. ; Case Type:
CIVIL NON LEGAL AID

[REDACTED]

Another invoice for your area

Regards,

[REDACTED]

[REDACTED]

SG Legal Directorate : Area 1G North, Victoria Quay, Edinburgh, EH6 6QQ

Tel: [REDACTED]

E-mail: [REDACTED]

I am working from home and can be contacted by email and Skype

From: Fee Rendering [REDACTED]
Sent: 30 January 2021 21:06
To: SGLD Finance unit [REDACTED]
Cc: Supplier Prompt Payment [REDACTED]
Subject: FEE NOTE - Your Ref: , Client: Mr James Hamilton, Our Ref: 203976 | Advocate: Douglas Ross Q.C. ; Case Type:
CIVIL NON LEGAL AID

Dear Sir/Madam,

Please find attached a fee note for work undertaken by Douglas Ross Q.C. relating to:

Case Title: Ministerial Code Referral

Case ID: 203976

Client: Mr James Hamilton

Case Type: CIVIL NON LEGAL AID

Your ref:

Kind regards,
Faculty Services Ltd

For further detail of payment terms please refer to The Scheme for Accounting for and Recovery of Counsels Fees which can be found [here](#)

Fee enquiries to: [REDACTED]

Payment enquiries to: [REDACTED]

Credit Control enquiries to: [REDACTED]

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FEE NOTIFICATION (Proposed Fee)

DX: 557000ED20
THE SCOTTISH GOVERNMENT
SGLD FINANCE UNIT
AREA GB-06
VICTORIA QUAY
EDINBURGH

Date of Issue 30/01/2021
Case ID 203976
Fee Note No. INV/DR-R27X186
P/O Number
SG97
8676 Page
1 of 1

Case Ministerial Code Referral
Client Mr James Hamilton
Payment Deferred No
Contact Name [REDACTED]
Advocate Douglas Ross Q.C.

Case Type CIVIL NON LEGAL AID
Deferment Period No Deferment
Contact Ref
Vat Reg No 716 8060 37

Date	Description	Amount	Vat%	Vat
26/01/2021	Perusing and considering draft questions and related papers. Providing comments thereon. Time engaged - 1 hour 15 minutes.	£300.00	20.0%	£60.00

VAT SUMMARY 20.0% (FEE) Amount: £300.00, VAT: £60.00	Total Fees	£300.00	
	Total VAT	£60.00	
	Total Due	£360.00	

[Tear-Off]

PAYMENT REMITTANCE - [Payment will be accepted by Cheque, Bank Transfer or Card (excl. Amex)]

Please send payment to:

BACS payment to:

Case ID: 203976

FACULTY SERVICES LIMITED
Advocates Library
Parliament House
Edinburgh
EH1 1RF
DX No: ED549302



Fee Note No.: INV/DR-R27X186

Fee Total **£360.00**

LESS Abatements

Payment Enclosed

Abatement Authorised by:

The VAT date for this supply is the date of payment – not the date of issue. In the event that this fee notification is challenged please return stating your reasons. When making payment please quote the Fee Note No. – a receipt will be sent by return.

From: Jennifer Dunn <jennifer.dunn@advocates.org.uk>
Sent: 03 February 2021 15:16
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: James Hamilton- Ministerial code referral (203976)

Hi [REDACTED]

Please see email below from our account department. I hope this is sufficient for your purposes.

Kind Regards
Jennifer

Jennifer Dunn | Deputy Advocates' Clerk | Ampersand Advocates | [REDACTED]
(forwarding to: [REDACTED]) | ampersandadvocates.com
(my working days are Mondays, Tuesdays and Wednesdays 9am to 5pm)

From: [REDACTED] <[REDACTED]@Advocates.org.uk>
Sent: 03 February 2021 15:12
To: Jennifer Dunn <jennifer.dunn@advocates.org.uk>
Cc: [REDACTED] <[REDACTED]@Advocates.org.uk>
Subject: RE: James Hamilton- Ministerial code referral (203976)

Hi Jennifer

I have changed the billing address for this case only to [REDACTED] cc'd to [REDACTED]. Invoices will not be emailed to the usual email addresses for this Agent for fees. Receipts and statements will still be emailed to SGLD finance.

Kind Regards
[REDACTED]

From: Jennifer Dunn <jennifer.dunn@advocates.org.uk>
Sent: 03 February 2021 13:09
To: [REDACTED] <[REDACTED]@Advocates.org.uk>
Cc: [REDACTED] <[REDACTED]@Advocates.org.uk>
Subject: FW: James Hamilton- Ministerial code referral (203976)

Hi [REDACTED]

Please see email below from [REDACTED] at SGLD. Is there something you can do at your end to amend LEX so that fees go to [REDACTED] and [REDACTED] rather than SGLD Finance? Thanks.

Kind Regards
Jennifer

Jennifer Dunn | Deputy Advocates' Clerk | Ampersand Advocates | [REDACTED]
(forwarding to: [REDACTED]) | ampersandadvocates.com
(my working days are Mondays, Tuesdays and Wednesdays 9am to 5pm)

From: [REDACTED]
Sent: 03 February 2021 12:30
To: [REDACTED] <[\[REDACTED\]@Advocates.org.uk](mailto:[REDACTED]@Advocates.org.uk)>; Jennifer Dunn
<jennifer.dunn@advocates.org.uk>
Cc: [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi [REDACTED] and Jennifer,

I just wanted to get in touch to ask if you could direct any invoices for this work to myself and my colleague [REDACTED], who is copied in to this email? I know that you would usually direct invoices to SGLD finance, but the arrangements for this are a bit unusual as the work is being done for the independent advisor under the Ministerial code, rather than directly for SG, and so my team are leading on sorting payment.

Happy to discuss,

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 22 October 2020 13:03
To: [REDACTED] <[\[REDACTED\]@Advocates.org.uk](mailto:[REDACTED]@Advocates.org.uk)>
Subject: RE: James Hamilton- Ministerial code referral

Hi [REDACTED]

I have checked with my colleague as to how we should approach the invoices for this. Whilst Mr Hamilton is the client, SG will pay the invoices direct on his behalf as we will be covering any expenses associated with this work.

Case Name: Ministerial Code Referral

Client Name: Mr James Hamilton

Confirmation on where fees are to be sent: could you send invoices to me? I will then get a colleague to raise a purchase order number and arrange for the invoice to be paid.

PO No. if necessary: purchase orders will be raised for each invoice.

Please let me know if you need any other information.

Best wishes,

[REDACTED]
From: [REDACTED]
Sent: 20 October 2020 12:03
To: [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi [REDACTED]

In relation to setting this case up on our systems for feeing. Can you advise on the following;

Case Name
Client Name
Your Ref no.
Confirmation on where fees are to be sent
PO No. if necessary

Thanks
[REDACTED]

[REDACTED] Deputy Advocates' Clerk | Ampersand Advocates | [REDACTED]
[REDACTED]

COVID-19 – Ampersand remains open for business but with some changes to how we work. For the latest updates, please see our website [here](#).

From: [REDACTED]
Sent: 20 October 2020 10:21
To: Sheena Hume <sheena.hume@Advocates.org.uk>
Subject: RE: James Hamilton- Ministerial code referral

Hi Sheena,

Apologies for the delay, I wanted to double check things with Mr Hamilton and seek confirmation in writing that he was content to instruct. Mr Hamilton has now confirmed that he would like to proceed to instruct so we are fine to proceed.

[REDACTED]
[REDACTED]
I think the best thing would be if you could direct any future fees notice to myself and I will liaise with my colleagues here to organise payment. I'm going to double check with colleagues whether that is the best approach and will let you know if I need to make any modifications to this arrangement.

Best wishes,

[REDACTED]

From: Sheena Hume <sheena.hume@Advocates.org.uk>

Sent: 15 October 2020 14:52

To: [REDACTED]

Subject: RE: James Hamilton- Ministerial code referral

Hi [REDACTED]

Mr Ross has confirmed that if all that's required before 30 October [REDACTED]
[REDACTED] he would be able to accommodate that.

Please advise if you intend to proceed to instruct. If you are able to advise who any future fee note should be directed to that would assist with setting up a case file at my end. I note you've advised Jennifer that the costs will be met the by Scottish government.

Kind regards.
Sheena

Sheena Hume | Deputy Advocates' Clerk | Ampersand Advocates | [REDACTED]
ampersandadvocates.com

From: [REDACTED]

Sent: 15 October 2020 11:17

To: Sheena Hume <sheena.hume@Advocates.org.uk>

Subject: RE: James Hamilton- Ministerial code referral

Hi Sheena,

Apologies, it should indeed read October. Thanks for spotting that.

Best wishes,

[REDACTED]

From: Sheena Hume <sheena.hume@Advocates.org.uk>

Sent: 15 October 2020 11:13

To: [REDACTED]

Subject: RE: James Hamilton- Ministerial code referral

Hi [REDACTED]

Thanks for your email to Jennifer which I've picked up in her absence. Am I right in thinking the deadline for the letter is meant to read 'end of October'? Please let me know and I can speak further with Mr Ross.

Kind regards.
Sheena

Sheena Hume | Deputy Advocates' Clerk | Ampersand Advocates | [REDACTED]
ampersandadvocates.com

From: [REDACTED]
Sent: 15 October 2020 10:15
To: Jennifer Dunn <jennifer.dunn@advocates.org.uk>
Subject: RE: James Hamilton- Ministerial code referral

Hi Jennifer,

Many thanks for getting back to us so quickly. I have spoken to Mr Hamilton about the timings and he thinks the timings set out below will work well, as we expect that the bulk of the work will be later into November.

I just wanted to check one thing about Mr Ross availability over the next couple of weeks. At the moment, Mr Hamilton has one item of correspondence he would like legal input on- [REDACTED]

[REDACTED] Would Mr Ross be able to fit this in alongside his other commitments?

Happy to discuss.

Best wishes,

[REDACTED]

From: Jennifer Dunn <jennifer.dunn@advocates.org.uk>
Sent: 14 October 2020 11:09
To: [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi [REDACTED]

Thank you for confirming.

I have spoken with Mr Ross who would very much like to assist Mr Hamilton. As I mentioned on the phone he is fully engaged on a case with looming deadlines at the moment so has little to no time available between now and 30th October. Thereafter, beside the last week of November (w/c 23/11) where he is not available, he would have some time to assist. I'm not sure if that is helpful to Mr Hamilton but if you could confirm either way I would be grateful.

If Mr Hamilton would like to give Mr Ross a call he would be happy to speak to him. His mobile number is [REDACTED].

Kind Regards
Jennifer

Jennifer Dunn | Deputy Advocates' Clerk | Ampersand Advocates | [REDACTED]
(forwarding to: [REDACTED]) | ampersandadvocates.com
(my working days are Mondays, Tuesdays and Wednesdays 9am to 5pm)

COVID-19 – Ampersand remains open for business but with some changes to how we work. For the latest updates, please see our website [here](#).

From: [REDACTED]
Sent: 14 October 2020 10:53
To: Jennifer Dunn <jennifer.dunn@advocates.org.uk>
Subject: RE: James Hamilton- Ministerial code referral

Hi Jennifer,

The line in the PQ referencing costs relates only to Mr Hamilton himself. The Scottish Government is covering the expenses incurred by Mr Hamilton in undertaking his work.

Best wishes,

[REDACTED]

From: Jennifer Dunn <jennifer.dunn@advocates.org.uk>
Sent: 14 October 2020 10:42
To: [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Dear [REDACTED],

Thank you for your email. Can I clarify one point with you before I speak to Douglas. I note from the attachment that '*appointment as an independent advisor does not attract payment*'. Is that referring to Mr Ross not being paid for any legal advice he gives here or to something else? Many thanks.

Kind Regards
Jennifer

Jennifer Dunn | Deputy Advocates' Clerk | Ampersand Advocates | [REDACTED]
(forwarding to: [REDACTED]) | ampersandadvocates.com
(my working days are Mondays, Tuesdays and Wednesdays 9am to 5pm)

COVID-19 – Ampersand remains open for business but with some changes to how we work. For the latest updates, please see our website [here](#).

From: [REDACTED]
Sent: 14 October 2020 10:12
To: Jennifer Dunn <jennifer.dunn@advocates.org.uk>
Subject: James Hamilton- Ministerial code referral

Dear Jennifer,

Thank you for the phone conversation earlier this morning. As discussed, I am acting on behalf of Mr James Hamilton, independent advisor, who is leading work on the First Minister's self-referral under the Scottish Ministerial Code, which was announced on 13 January 2019 and resumed in August 2020. I have attached a response to a parliamentary question that sets out the remit and various other particulars of the referral.

Mr Hamilton is a former Director of Public Prosecutions in Ireland and has been an independent adviser since January 2013.

As you will be aware, there are a number of court orders relating to the civil and criminal court cases on various aspects of the investigations relating to Mr Salmond's conduct, which may have bearing on the material that Mr Hamilton can consider, the approach he can take and the content of his final report.

Mr Hamilton is looking to find a legal advisor, who would provide support and advice on these matters as needed. The number of hours of work required will vary as the referral progresses, and at this point I cannot give an exact estimate of the total number of hours required.

Mr Ross was recommended to Mr Hamilton as a suitable advisor with significant experience on relevant areas of law. On that basis, Mr Hamilton has asked me to check if Mr Ross is available and would like to take on this work.

Happy to provide more information if that would be helpful.

Best wishes,

[REDACTED]

[REDACTED]

Please contact me on Skype or on [REDACTED].

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From: [REDACTED]
Sent: 03 February 2021 11:50
To: Geoff Aberdein [REDACTED]
Subject: RE: Private - SGHHC update on submission

Hi Geoff,

Many thanks, I had seen that reported in the media some weeks ago but it is really helpful to know that the reports are accurate and that a conclusion has been reached on this matter.

I will ensure Mr Hamilton is aware of this. As discussed previously, Mr Hamilton will be taking necessary steps to ensure that his report is compliant with the relevant court orders.

Best wishes,

[REDACTED]

From: Geoff Aberdein [REDACTED]
Sent: 03 February 2021 11:36
To: [REDACTED]
Subject: Re: Private - SGHHC update on submission

Hi

[REDACTED]

I'm sure Mr Hamilton is already aware of this but the SGHHC clerks have determined that my submission will not be published in any form citing the Committee's legal obligations and in accordance with its statement on handling information.

Best wishes

Geoff

From: [REDACTED] [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Date: Monday, 21 December 2020 at 12:09
To: [REDACTED]
Subject: RE: Private - SGHHC update on submission

Dear Geoff,

Many thanks for sending this, I will pass this to Mr Hamilton.

Best wishes,

[REDACTED]

From: Geoff Aberdein <[REDACTED]>
Sent: 21 December 2020 10:57
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Private - SGHHC update on submission

Dear [REDACTED]

On a strictly confidential basis, please find attached my revised submission for the SGHHC Inquiry.

On instruction from the Parliament clerks, the submission has been reviewed and revised for publication, to comply with the Committee's legal obligations and in accordance with its statement on handling information.

I thought it would be helpful for Mr Hamilton to see this given his ongoing investigation. This is not for further circulation, beyond Mr Hamilton obviously.

Best wishes

Geoff

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RE: James Hamilton call with Liz Lloyd

From: Somers J (John) <john.somers@gov.scot>
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: [REDACTED] <[REDACTED]@gov.scot>
Date: Wed, 03 Feb 2021 10:33:10 +0000

Morning – thanks for this.

Liz is content for it to be recorded.

[REDACTED] will be there to help with the set up so fingers crossed it'll run smoothly.

Thanks. John

John Somers
Principal Private Secretary to the First Minister
Scottish Government



Office of the First Minister of Scotland

FirstMinister.gov.scot

Prìomh Mhinistear na h-Alba

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From: [REDACTED] <[REDACTED]@gov.scot>



Office of the First Minister of Scotland

F[REDACTED]er.gov.scot

Prìomh Mhinistear na h-Alba

Hi John,

Thanks, ironically we had a couple of technical issues with Mr Hamilton getting access to the call, but thankfully we managed to get everything sorted in the end!

I have attached some joining instructions. The main thing I wanted to draw to your attention is the intention to record the interview- can you let me know if that is ok with Liz?

I will forward on the calendar request now so you can get stuff set up tomorrow.

Best wishes,



From: Somers J (John) <John.Somers@gov.scot>
Sent: 02 February 2021 17:31

To: [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: James Hamilton call with Liz Lloyd

[REDACTED]

The logistical/IT set up for Mr Hamilton's call with FM seemed to work well. As Liz Lloyd's private office falls within my remit we'll ([REDACTED] [REDACTED] and I) also provide logistical support to her tomorrow afternoon. So would you send any webex details directly to [REDACTED] [REDACTED] (cc me) and we'll make sure that she's on the call ready for Mr Hamilton at 3pm.

Thanks and best wishes,

John

FW: Private - SGHHC update on submission

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]>
Date: Wed, 03 Feb 2021 15:59:38 +0000

As discussed. I responded to thank Mr Aberdeen for the update and to reiterate your intention to ensure the report is compliant with the court orders.

From: Geoff Aberdeen [REDACTED]
Sent: 03 February 2021 11:36
To: [REDACTED]@gov.scot>
Subject: Re: Private - SGHHC update on submission

Hi [REDACTED]

I'm sure Mr Hamilton is already aware of this but the SGHHC clerks have determined that my submission will not be published in any form citing the Committee's legal obligations and in accordance with its statement on handling information.

Best wishes

Geoff

From: "[REDACTED]@gov.scot" <[REDACTED]@gov.scot>
Date: Monday, 21 December 2020 at 12:09
To: [REDACTED]
Subject: RE: Private - SGHHC update on submission

Dear Geoff,

Many thanks for sending this, I will pass this to Mr Hamilton.

Best wishes,

[REDACTED]

From: Geoff Aberdeen [REDACTED]
Sent: 21 December 2020 10:57
To: [REDACTED]@gov.scot>
Subject: Private - SGHHC update on submission

Dear [REDACTED]

On a strictly confidential basis, please find attached my revised submission for the SGHHC Inquiry.

On instruction from the Parliament clerks, the submission has been reviewed and revised for publication, to comply with the Committee's legal obligations and in accordance with its statement on handling information.

I thought it would be helpful for Mr Hamilton to see this given his ongoing investigation. This is not for further circulation, beyond Mr Hamilton obviously.

Best wishes

Geoff

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Salmond- further statement to the Committee published

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Wed, 03 Feb 2021 16:03:54 +0000

Hi James,

Mr Salmond has made a further statement to the Committee, which has been published.

[Alex Salmond Submission \(Judicial Review\).pdf \(parliament.scot\)](#)

This covers matters around mediation and arbitration.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 02 March 2021 13:42
To: Lorraine Kay <[REDACTED]>
Subject: RE: Committee on the Scottish Government Handling of Complaints - point of information

Dear Ms Kay,

Many thanks for your email. Mr Hamilton would like to thank you for the information you have provided and your assistance on this matter.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code
| Please contact me on Skype or on [REDACTED]

From: Lorraine Kay <[REDACTED]>
Sent: 02 March 2021 10:57
To: jackie.baillie.msp@parliament.scot
Cc: [REDACTED] <[REDACTED]@gov.scot>
Subject: Committee on the Scottish Government Handling of Complaints - point of information

Dear Ms Baillie,

Having followed your questioning of Alex Salmond at the committee session on Friday 26th February, I understand that you may plan to write to me in order to confirm a point of information.

By way of background, I am an ex-civil servant with 21 years of service, including 5 years in Mr Salmond's private office when he was First Minister. The contact details which the government will have for me are now out of date, hence my contacting you directly.

Geoff Aberdein and I worked closely together during our time in government, and have also since worked at the same company. I can confirm that Geoff confided in me, back in early March 2018, [REDACTED]

[REDACTED] I met with Geoff after [REDACTED] and was shocked to hear that the Scottish Government had received two complaints about Mr Salmond. Geoff also shared with me that [REDACTED] had named one of the complainants - I recall this clearly [REDACTED]. I believe I was the first person Geoff spoke to about this issue.

I am happy for you to share this information with the other committee members and, in the interests of completeness, I am also sharing this with Mr James Hamilton,

Independent Adviser on the Ministerial Code, who corresponded with me on this issue last December.

Yours sincerely

Lorraine Kay

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From: Lorraine Kay <[REDACTED]>
Sent: 02 March 2021 10:57
To: jackie.baillie.msp@parliament.scot
Cc: [REDACTED]@gov.scot>
Subject: Committee on the Scottish Government Handling of Complaints - point of information

Dear Ms Baillie,

Having followed your questioning of Alex Salmond at the committee session on Friday 26th February, I understand that you may plan to write to me in order to confirm a point of information.

By way of background, I am an ex-civil servant with 21 years of service, including 5 years in Mr Salmond's private office when he was First Minister. The contact details which the government will have for me are now out of date, hence my contacting you directly.

Geoff Aberdeen and I worked closely together during our time in government, and have also since worked at the same company. I can confirm that Geoff confided in me, back in [REDACTED]. I met with Geoff after [REDACTED] and was shocked to hear that the Scottish Government had received two complaints about Mr Salmond. Geoff also shared with me that [REDACTED] had named one of the complainants - I recall this clearly [REDACTED]. I believe I was the first person Geoff spoke to about this issue.

I am happy for you to share this information with the other committee members and, in the interests of completeness, I am also sharing this with Mr James Hamilton, Independent Adviser on the Ministerial Code, who corresponded with me on this issue last December.

Yours sincerely

Lorraine Kay

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From: Duncan Hamilton <duncanhamilton@amadvocates.co.uk>
Sent: 02 March 2021 12:01
To: [REDACTED]@gov.scot>
Subject: Re: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Mr Hamilton

Further to the position outlined by Mr Salmond, I have provided a statement to the Parliamentary Committee this morning.

I attach that statement and trust that it addresses most of the matters of relevance for your own Inquiry.

I am happy to answer any additional questions you may have.

Regards

Duncan Hamilton

Duncan Hamilton
Advocate

[REDACTED]
duncanhamilton@amadvocates.co.uk

Arnot Manderson Advocates, Parliament House, Edinburgh, EH1 1RF t [REDACTED]
[REDACTED] www.amadvocates.co.uk



From: [REDACTED]@gov.scot>
Date: Monday, 1 March 2021 at 16:34
To: DUNCAN HOME <duncanhamilton@amadvocates.co.uk>
Subject: RE: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Mr Hamilton,

Please see attached correspondence from Mr James Hamilton.

Best wishes,

[REDACTED]

From: Duncan Hamilton <duncanhamilton@amadvocates.co.uk>
Sent: 30 November 2020 10:54
To: [REDACTED]@gov.scot>
Subject: Re: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Many thanks [REDACTED]

Best wishes

Duncan
Duncan Hamilton
Advocate
[REDACTED]

duncanhamilton@amadvocates.co.uk

Arnot Manderson Advocates, Parliament House, Edinburgh, EH1 1RF t [REDACTED]
[REDACTED] [REDACTED]

www.amadvocates.co.uk



On 30 Nov 2020, at 10:31, [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot) wrote:

Dear Duncan,

Many thanks for your swift response, which I had passed on to Mr Hamilton.

Mr Hamilton understands your position on this matter and is grateful for your consideration of his request.

Best wishes,

[REDACTED]

From: Duncan Hamilton

Sent: 25 November 2020 14:46

To: [REDACTED]

Subject: Re: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear [REDACTED]

Many thanks for this letter which I have considered carefully.

I regret that my professional duties and obligations do not permit me to assist in providing the information sought.

I trust that Mr Hamilton will understand that position.

Yours faithfully

Duncan Hamilton

Duncan Hamilton
Advocate

duncanhamilton@amadvocates.co.uk

Arnot Manderson Advocates, Parliament House, Edinburgh, EH1 1RF t [REDACTED]
f: [REDACTED] www.amadvocates.co.uk

-

From: "[REDACTED]@gov.scot">
Date: Wednesday, 25 November 2020 at 09:21
To: DUNCAN HOME <duncanhamilton@amadvocates.co.uk>
Subject: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Duncan Hamilton,

Please see attached correspondence from James Hamilton, independent advisor on the Ministerial Code.

In order to ensure that the current Covid restrictions do not delay this correspondence, it has been sent by email in the first instance. A duplicate hard copy will also be sent by post.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype or on [REDACTED]

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Dear Convener

1. Committee on the Scottish Government Handling
of Harassment Complaints

1. On 1st March 2020, I received a request from the Committee for assistance in providing corroboration and confirmation of a number of aspects of the oral evidence given to the Committee by Mr Alex Salmond on Friday 26th February 2021.
2. The committee has not asked me any specific questions. Instead, I have been given sight of the Official Report for the evidence session. I have been asked to review it and identify all the matters raised by Mr Salmond which refer to me. If I have missed any references, please let me know and I will also address those.
3. I propose simply to deal with those references in the order they appear in the Official Report. I refer to the column number in each instance.

2. Confidentiality

4. I was, as Mr Salmond informed the Committee, instructed by Levy & McRae solicitors to act on behalf of Mr Salmond from the receipt of the letter from the Scottish Government on March 7th 2018. I was instructed as Counsel in the Judicial Review proceedings along with Ronnie Clancy QC.
5. An essential duty of an Advocate is to maintain confidentiality. It is accordingly both unique, and uncomfortable, for me as an Advocate to be offering any evidence whatsoever to this Committee. I am able to do so only because the client (Mr Salmond) has given express instruction that he is content that I do so and has waived his privilege in relation to the

information I am asked to provide. The privilege is his, however, and having made the choice to waive it, I am able to answer your questions.

6. For completeness, I would also add that I have considered the 'Guide to the Professional Conduct of Advocates' (7th edition 2019) and in particular the provisions at paragraphs 2.3.1 – 2.3.3.
7. I have further consulted with the Vice Dean of Faculty. The Faculty is also satisfied that in the particular circumstances of this matter there is no barrier to my responding to the Committee.

3. Declaration of Interests

8. Given the nature of the investigation and the composition of the Committee, I have considered what additional declaration of interest requires to be made beyond that which is already in the public domain.
9. I confirm that I am a former Member of the Scottish Parliament, having been elected for the Scottish National Party and serving from 1999-2003. I was a part time Special Adviser from 2007-2008. I am a current member of the SNP, and have been since 1994. Finally, I have previously contributed financially to the local election campaign of Alisdair Allan MSP.

4. The Statements made by Mr Salmond

10. I propose to take the statements in the order in which they were made.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Comment

I can confirm that statement is correct.

I was aware that Mr Aberdeen was meeting the First Minister at the Scottish Parliament on 29th March 2018 for the purpose of discussing the complaints. Mr Aberdeen made me aware of that meeting and its purpose in advance.

I can confirm that I did attend the meeting on 2nd April 2018 in the home of the First Minister.

iii) Column 77

Alex Cole-Hamilton: To confirm, neither you nor any of your lieutenants had let the First Minister or any of her private office know that there was a suggestion that that was on the table?

Alex Salmond: I know from the committee that you speak for yourself, but I had not indicated to anyone at that time that I was about to resign from the Scottish National Party.

Alex Cole-Hamilton: That is very helpful.

Alex Salmond: I am here under oath telling the truth and that is what I will do, but I would appeal for a rational appraisal of that. A resignation from the SNP would have achieved the diametric opposite of what I was looking to achieve and hoped could be achieved.

Comment

I am not sure if that comment is intended to relate to me or not but for the avoidance of doubt, at no stage did I make any suggestion to the First Minister or any other person acting on her behalf raising even the possibility of Mr Salmond resigning from the SNP.

No suggestion of resignation from the SNP was ever made to me by Mr Salmond at that time.

It did not feature in any part of the discussion on April 2nd 2018 to which I was party. It was not raised by any of those in attendance.

iv) Column 80

Alex Salmond : ‘....However, there is no doubt. It is absolutely certain that the meeting on 29 March in the Scottish Parliament was prearranged for the express purpose of Nicola being briefed on the situation with regard to me and complaints, and that the meeting on 2 April—or, at least the final arrangements for it— arose from the meeting on 29 March. Otherwise, how on earth would I have known to turn up on 2 April? There is no other way that the invitation could be gathered.’

Comment

That is correct. As Mr Salmond notes, neither he nor I would have known to attend at the house of the First Minister on 2nd April 2018 without the invitation arising from the meeting on 29th March 2018.

v) Column 81

Murdo Fraser: Thank you, but I will press you on that point, because it is of fundamental importance to the issue of whether the ministerial code was broken by the First Minister. She has one version of events, you have a directly contrary version of events,

and she has asked you to produce the evidence. You have said to us that you have no doubt that your version of events is correct, but where is the evidence? Who can corroborate your version of events?

Alex Salmond: Well, I am not the only one who knew about the meeting of 29 March.

Murdo Fraser: Who else did?

Alex Salmond: It was known about, certainly, by Duncan Hamilton. It was known about by Kevin Pringle, I believe. Mr Aberdeen did not tell just me. Obviously, Mr Hamilton went with us on 2 April, so he knew about the meeting and the fact that it had been arranged. In terms of exact evidence, the people who turned up at the meeting knew. That is corroboration.

Comment

For my part, I can confirm that what Mr Salmond said is correct.

I spoke to Geoff Aberdeen on 29th March 2018 after his meeting in the Scottish Parliament. At that time, he intimated that a further meeting would be arranged to discuss the complaints with the First Minister. That meeting was arranged for 2nd April 2018. I was invited to that meeting and travelled to it along with Mr Salmond and Mr Aberdeen.

I would further note that the letter received from the Scottish Government was the sole focus of the meeting. Further, when we arrived, everyone in the room knew exactly why we were there. No introduction to the subject was needed and no one was in any doubt what we were there to discuss.

vi) Column 86

Stuart McMillan: Mr Salmond, you spoke earlier about the discussion that you had with Nicola Sturgeon at her home and you indicated that, at some point afterwards, she seemed to have changed her opinion. Can you remember what was actually said at the meeting—what you said to Nicola Sturgeon and what she said to you—to give you an indication that she was looking to assist or help?

Alex Salmond: There is no doubt that people at the meeting, Mr Aberdein and Mr Hamilton, were there—certainly, Mr Hamilton was there—when Nicola said that, and she said it to me in a private meeting as well: that she was anxious to assist.

Comment

I can confirm that the First Minister did offer to assist.

We discussed mediation. My clear recollection is that her words were ‘If it comes to it, I will intervene.’

From a legal perspective, that was the most important aspect of the meeting. I therefore remember it clearly. I discussed the commitment to intervene with Mr Salmond and Mr Aberdein after we left the meeting specifically because it seemed very likely that mediation would be achieved. From Mr Salmond’s perspective, that was the desired outcome.

The First Minister did later change her mind. She was entitled to do so. That change was, however, a matter of surprise. From a legal perspective, that change in position removed one of the possible alternatives to court proceedings.

vii) Column 91

Jackie Baillie: The First Minister offered to intervene, according to you. Is it—

Alex Salmond: She said she would when it was the appropriate time. As I say, the conversation was not about if she would intervene, but when. Nicola's anxiety was that she wanted to find a situation where the permanent secretary came to her, or a suitable moment to do it. However, there was no doubt—and I believed— that she was going to assist in that direction for what I believe was the perfectly proper purpose of securing mediation.

Jackie Baillie: Was that conversation just between you and her, or can anybody else substantiate it?

Alex Salmond: I am absolutely certain that Duncan Hamilton was present when we were discussing that. I cannot be absolutely certain about anybody else, but I know that Duncan was there as my counsel. When we were talking after the meeting and assessing what was happening, we were both of the opinion that the intervention was going to be made. We thought that the meeting had gone extremely well. Therefore, I absolutely know that that was then—and is now, presumably—his recollection.

Comment

I can confirm this account is accurate.

11. I can confirm that this evidence is given to the very best of my recollection. I am prepared to provide the same evidence under oath in an affidavit if that is considered necessary.

Duncan Hamilton, Advocate 2nd

March 2021

Parliament House

Edinburgh

EH1 1RF

From: McAllister JM (Jackie) <Jackie.Mcallister2@gov.scot>

Sent: 02 March 2021 22:07

To: [REDACTED]

Cc: [REDACTED]@gov.scot; [REDACTED]

Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;

Subject: RE: Ministerial Code Advisor- Indemnity

[REDACTED]

I agree with [REDACTED] on the reasonableness of this request. I would however just like to better understand the advice that [REDACTED]

Regards

Jackie

[REDACTED]



From: [REDACTED]
Sent: 02 March 2021 10:42
To: [REDACTED] McAllister JM (Jackie)
<Jackie.Mcallister2@gov.scot>; [REDACTED]
[REDACTED]
Cc: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED]
Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Ministerial Code Advisor- Indemnity

Dear [REDACTED] Jackie,

I am currently acting as secretariat to Mr James Hamilton, who is the independent advisor on the Ministerial Code and is undertaking work on the First Minister's self-referral under the Ministerial Code.

The independent advisor has asked for an indemnity. This seems reasonable, as the Independent Advisor role is unpaid, and similar provision (e.g. under paragraph 18 of the SPFM) is made for those undertaking other similar roles.

On that basis, I have worked with colleagues in [REDACTED] Finance to develop the attached submission which sets out a suggested approach to providing an indemnity, taking into account the various [REDACTED] issues, and the expected likelihood of the indemnity being called upon. This includes a letter, to issue from the DFM to Mr Hamilton, which would confirm the approach.

Given that this has [REDACTED] finance implications, David Rogers has asked that the relevant directors in [REDACTED] Finance also sign off this submission and that a note of this be included in the submission. Would you be able to consider the attached submission and letter and let me know if you are content, by 10am tomorrow if possible? Once I have received any comments I will tidy up the tracked changes and comments in the document.

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



From: [REDACTED]

Sent: 02 March 2021 10:42

To: [REDACTED] McAllister JM (Jackie)

<Jackie.Mcallister2@gov.scot>; [REDACTED]

[REDACTED]

Cc: [REDACTED]@gov.scot; [REDACTED]

Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;

Subject: Ministerial Code Advisor- Indemnity

Dear [REDACTED] Jackie,

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Given that this has [REDACTED] finance implications, David Rogers has asked that the relevant directors in [REDACTED] Finance also sign off this submission and that a note of this be included in the submission. Would you be able to consider the attached submission and letter and let me know if you are content, by 10am tomorrow if possible? Once I have received any comments I will tidy up the tracked changes and comments in the document.

Happy to discuss.

Best wishes,



Re: Correspondence with Mr Salmond and Mr Aberdein

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Thu, 04 Feb 2021 11:07:57 +0000

Dear [REDACTED]

Thank you for the draft letters. I would simply add to the Aberdein one "If there is anything further which you think you should make me aware of please let me know."

Otherwise I. think they are in order and can be sent.

Best wishes

James

On Thu, 4 Feb 2021 at 10:45, <[REDACTED]@gov.scot> wrote:

Hi James,

Please see attached draft letters to Mr Salmond and Mr Aberdein. The Mr Aberdein one is drafted assuming that you are very unlikely to have further questions for him, but you may wish to be less definite!

Best wishes,

[REDACTED]

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Correspondence with Mr Salmond and Mr Aberdein

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Thu, 04 Feb 2021 10:45:31 +0000
Attachments: Salmond letter Feb 2021 for comment- updated.docx (14.02 kB); Correspondence to Mr Aberdein- February 2021.docx (16.2 kB)

Hi James,

Please see attached draft letters to Mr Salmond and Mr Aberdein. The Mr Aberdein one is drafted assuming that you are very unlikely to have further questions for him, but you may wish to be less definite!

Best wishes,

[REDACTED]

Dear Mr. Salmond,

Thank you for the written statements you have provided to me, which I have found clear and detailed.

In your statement, you mention that Geoff Aberdein informed you of the names of the potential complainants. It would be helpful if you could confirm if this was before or after you received any communication from the Scottish Government outlining the content of the complaints that had been made.

As set out in my previous correspondence, I intend to invite participants to a video interview where I have additional questions I wish to ask, or matters to discuss. The additional information I would like you to provide is, I hope, fairly straightforward and might therefore be more suited to a written statement. However, if you would find it helpful to discuss the additional question set out above, and any other matters by video conference, I would be happy to arrange a discussion.

Yours sincerely,

James Hamilton

Dear Mr Aberdeen,

Thank you for the written statements you have sent me, and the confirmation that the statement will not be published by the Parliament.

As set out in my previous correspondence, I intend to invite participants to a video interview where I have additional questions I wish to ask, or matters to discuss. Your written statements have provided me with detailed information for my considerations, and, at this point, I do not have any further questions I would wish to ask you.

Thank you for the information and your cooperation with my investigation.

Yours sincerely,

James Hamilton

Correspondence from James Hamilton

From: [REDACTED]@gov.scot>
To: Geoff Aberdein [REDACTED]
Date: Fri, 05 Feb 2021 16:02:11 +0000
Attachments: Geoff Aberdein- correspondence February 2021.docx (18.23 kB)

Dear Geoff,

Please see attached correspondence from James Hamilton.

Best wishes,

[REDACTED]

James Hamilton
Independent Adviser on the Scottish Ministerial Code

□

Geoff Aberdein

By email to: [REDACTED]

5 February 2021

Dear Mr Aberdein,

Thank you for the written statement you have sent me, and the confirmation that the statement will not be published by the Parliament.

As set out in my previous correspondence, I intend to invite participants to a video interview where I have additional questions I wish to ask, or matters to discuss. Your written statements have provided me with detailed information for my considerations, and, at this point, I do not have any further questions I would wish to ask you. If there is anything further which you think you should make me aware of please let me know.

Thank you for the information you have provided, and your cooperation with my investigation.

Yours sincerely,

James Hamilton

RE: Information on the development of the procedure

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Fri, 05 Feb 2021 16:08:12 +0000

No problem! Hope it all makes sense.

I've also looked out some of James Hynd's evidence which covers issues around former Ministers. There is no mention of consultation with former ministers, and I can check with colleagues to confirm this.

[Official Report - Parliamentary Business : Scottish Parliament](#)

I've copied some extracts below.

Yes. I am pausing not because we did not have legal advice but because I was considering whether my answer would disclose something that it should not.

Every aspect, including the first procedure that was produced on 7 November, dealt only with former ministers. As I said to Ms Constance, we had legal advice from the outset. Given the fact that the first procedure focused purely on former ministers, you can, again, reasonably assume that legal advice was taken on that.

You are right. The Cabinet paper and Mr Swinney's response to the topical question that day do not refer, from memory, to former ministers. My involvement is that I attended Cabinet that day, as I normally do—apart from today—and I heard the discussion. In the days running up to that, the First Minister wrote to the Presiding Officer on Monday, the day before Cabinet, to express concerns.

The concerns that were expressed were generated by, frankly, the rather unsavoury headlines that were emanating from Westminster and Whitehall about alleged behaviour down there. Given my ministerial code responsibilities, I was already thinking about what we would do here if we had the same kind of allegations surfacing in Scotland. Therefore, my mind was already in that space. When the commission came from the First Minister and the Cabinet to review the policies and procedures, I was already in the space of thinking that the gap that we had in Scotland was in respect of allegations made against former ministers.

James Hynd:

I do not want to put words in their mouths. It was never expressed in that way. In light of that response, we took the decision that we had been given a direct commission by the First Minister, supported by the permanent secretary, to ensure that we had a comprehensive suite of up-to-date, fit-for-purpose policies and procedures. I identified the gap in respect of former ministers, and it was subsequently agreed by the permanent secretary and the First Minister that that needed to be filled.

Alison Johnstone:

Why was it that, until then, there was no such policy?

James Hynd:

Do you mean in respect of former ministers?

Alison Johnstone:

Yes.

James Hynd:

It is not a straightforward thing to do in respect of some of the practical issues. By the end of 2017, a former minister of another party would not have been in office for more than 10 years, so we were dealing with issues that are quite historical in nature, and considering the understanding and the evidence within Government for any allegations that are raised. It is not simple. I think that it was right to fill the gap, but perhaps it had not been addressed in times gone by because of the difficulties and complexities in drafting such a procedure. Of course, the catalyst for us and for ministers to want to do something at that time was the #MeToo movement and some of the specific allegations.

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 05 February 2021 13:08
To: [REDACTED]@gov.scot>
Subject: Re: Information on the development of the procedure

Thanks, [REDACTED]

I can. see that I will have no shortage of reading for the weekend!

Ciao

James

On Fri, 5 Feb 2021 at 12:59, <[REDACTED]@gov.scot> wrote:

Hi James,

The Perm Sec's team have come back on many of the points where further information could be provided- I've copied the information below. I'm also going to have a look at some of the stuff on former Ministers as I think there was stuff in James Hynd's evidence to the committee.

Best wishes,
[REDACTED]

- * Links to documentation previously sent to the Committee on the development of the procedure, and the Perm Sec's role in this.

Statement on development of Procedure:

[SP+SGHHC1+Phase+1+Written+Statement+19+June+2020.pdf \(www.gov.scot\)](#)

Key docs relevant to Perm Sec's role in development of Procedure (these can be found along with all the other phase 1 docs here [Scottish Government Handling of Harassment Complaints: FOI release - gov.scot \(www.gov.scot\)](#)):

- * YY093 [SP+SGHHC1+YY093+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * YY002 [SP+SGHHC1+YY002+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
- * XX027 [SP+SGHHC1+XX027+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * XX036 [SP+SGHHC1+XX036+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY044 [SP+SGHHC1+YY044+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * XX021 [SP+SGHHC1+XX021+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * XX011 [SP+SGHHC1+XX011+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * XX010 [SP+SGHHC1+XX010+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
- * XX045 [SP+SGHHC1+ XX045 +-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY058 [SP+SGHHC1+YY058+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)

- * XX064 [SP+SGHHC1+XX064+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * YY004 [SP+SGHHC1+YY004+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY016 [SP+SGHHC1+YY016+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY066 [SP+SGHHC1+YY066+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY085 [SP+SGHHC1+YY085+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
- * YY064 [SP+SGHHC1+YY064+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
- * YY010 [%28Possible+Duplicate%29+SP+SGHHC1+YY010+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY011 [SP+SGHHC1+YY011+-+3+-+Redacted+or+Watermarked+version.pdf \(www.gov.scot\)](#)
- * YY012 [SP+SGHHC1+YY012+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)

- * The letter from Jeremy Heywood to all Perm Sec's asking them to consider if their department's procedures needed updating in the light of the Me Too movement, was also mentioned.

[SP+SGHHC1+YY006+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)

- * Timelines of events relating to the procedure and associated events - particularly in relation to the questions on when arbitration/mediation was raised.

Development of procedure timeline:

[Timeline for Statement 1 - 14 August\(1\).pdf \(parliament.scot\)](#)

Investigation of complaints timeline (this is the most relevant to arbitration/mediation) NB timeline is after the statement:

[SGHHC Further Written Statement Investigation of Complaints - 18 December 2020Redacted.pdf \(parliament.scot\)](#)

Judicial review timeline (this is the last and most detailed JR timeline):

[SP SGHHC - JR - Additional timeline - 26 October 2020 - Watermark version \(JR\).pdf \(parliament.scot\)](#)

Ministerial Code referral timeline:

[SP SGHHC - Ministerial Code timeline - 26 October 2020 - Watermark version \(MC\).pdf \(parliament.scot\)](#)

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From: [REDACTED]
Sent: 05 February 2021 10:15
To: James Hamilton [REDACTED]
Subject: Letter to Mr Salmond

Hi James,

As discussed yesterday, I have looked back at Mr Salmond's statement to check the dates. He says Mr Aberdein called him on or around the 9th of March, and told him one name; Mr Salmond says "At that stage I did not know the identity of the other complainer".

He then goes on to say that he had received the Perm Sec letter on the 7th.

I have therefore redrafted your letter to Mr Salmond to try and focus the question on when he was informed of the names.

Best wishes,

[REDACTED]

Dear Mr. Salmond,

Thank you for the written statements you have provided to me, which I have found clear and detailed.

In your statement, you mention that Geoff Aberdein informed you of one the names of the potential complainants on or around 9th March 2019, but that you did not know of the name of the other complainant at that time. You also mention that you received the letter from the Permanent Secretary on 7th March 2018, informing you of the complaints.

It would be helpful if you could confirm if the contact with Geoff Aberdein was the first occasion on which potential complainants names were made known to you, or if this had been included in the correspondence from the Permanent Secretary.

As set out in my previous correspondence, I intend to invite participants to a video interview where I have additional questions I wish to ask, or matters to discuss. The additional information I would like you to provide is, I hope, fairly straightforward and might therefore be more suited to a written statement. However, if you would find it helpful to discuss the additional question set out above, and any other matters by video conference, I would be happy to arrange a discussion.

Yours sincerely,

James Hamilton

Re: Letter to Mr Salmond

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Mon, 08 Feb 2021 15:24:50 +0000
Attachments: JH Revised Salmond letter 8 Feb 2021 .docx (8.44 kB)

Hi [REDACTED]

I thought I had replied. I think I may have done so in an email dealing with a number of matters.

I have revised the letter further and attach my revised letter.

Best wishes

James Hamilton

On Fri, 5 Feb 2021 at 10:15, <[REDACTED]@gov.scot> wrote:

Hi James,

As discussed yesterday, I have looked back at Mr Salmond's statement to check the dates. He says Mr Aberdeen called him on or around the 9th of March, and told him one name; Mr Salmond says "At that stage I did not know the identity of the other complainer".

He then goes on to say that he had received the Perm Sec letter on the 7th.

I have therefore redrafted your letter to Mr Salmond to try and focus the question on when he was informed of the names.

Best wishes,

[REDACTED]

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Dear Mr. Salmond,

Thank you for the written statements you have provided to me, which I have found clear and detailed.

In your statement, you mention that Geoff Aberdeen informed you of one the names of the potential complainants on or around 9th March 2019, but that you did not know of the name of the other complainant at that time. You also mention that you received the letter from the Permanent Secretary on 7th March 2018, informing you of the complaints.

It would be helpful if you could confirm if the contact with Geoff Aberdeen was the first occasion on which potential complainants names were made known to you, or if this had been included in the correspondence from the Permanent Secretary.

While I do not wish to know the names of the complainants or details of the complaints made by them it would be helpful if you could tell me whether the letter of 7 March informed you of the details of the allegations against you.

As set out in my previous correspondence, I intend to invite participants to a video interview where I have additional questions I wish to ask, or matters to discuss. The additional information I would like you to provide is, I hope, fairly straightforward and might therefore be well suited to a further written statement. However, if you would find it helpful to discuss the additional question set out above, as well as any other matters you consider relevant, by video conference, I would be happy to arrange an interview. As far as I am concerned you will free to give me any information you consider relevant. I will, of course, have to be advised as to what information I can include in my Report in accordance with the court orders and in this I will be guided by my own independent counsel

Yours sincerely,

James Hamilton

From: James Hamilton [REDACTED]
Sent: 08 February 2021 13:07
To: [REDACTED]@gov.scot>
Subject: Re: Liz Lloyd's interview

Yes

On Mon, 8 Feb 2021 at 12:47, <[REDACTED]@gov.scot> wrote:
Would now be ok?

From: James Hamilton [REDACTED]
Sent: 08 February 2021 12:23
To: [REDACTED]@gov.scot>
Subject: Re: Liz Lloyd's interview

Any chance of a quick phone call?

James

On Mon, 8 Feb 2021 at 12:16, James Hamilton [REDACTED] > wrote:
Hi [REDACTED]

Actually I got it online. I have an online subscription to the Guardian and didn't realise it appears to cover the Guardian as well.

James

On Mon, 8 Feb 2021 at 12:05, <[REDACTED]@gov.scot> wrote:
Hi James,

No problem, I will get that sorted.

There have been various articles in recent days, mostly covering whether Mr Salmond will attend the committee.

I've copied the Observer one below.

[Crunch time for SNP as Sturgeon and Salmond's rift comes under scrutiny | Nicola Sturgeon | The Guardian](#)

I also wanted to flag that I sent an updated draft letter to Salmond back to you on Friday- I had looked back at his statement and reframed the question in the letter on the basis of that.

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED]>
Sent: 08 February 2021 11:56
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Liz Lloyd's interview

Hi [REDACTED]

An email is OK. It is just a case of clearing up this small point.

Or if you want to phone her it might be better.

Was there something in the Observer yesterday?

I will get back to you later about the transcripts.

Cheers

James

On Mon, 8 Feb 2021 at 11:10, <[REDACTED]@gov.scot> wrote:
Hi James,

No problem I can ask that. Are you ok for me to email her or would you want a letter drafting?

[REDACTED]

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED]>
Sent: 07 February 2021 18:14
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Liz Lloyd's interview

Hi [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks!

James

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RE: FAO James Hamilton QC

From: [REDACTED]@gov.scot>
To: [REDACTED]@parliament.scot>
Date: Mon, 08 Feb 2021 16:33:11 +0000

Dear [REDACTED]

I can confirm I have received this letter and will pass it on to Mr Hamilton.

Best wishes,

[REDACTED]

From: [REDACTED]@parliament.scot>
Sent: 08 February 2021 16:27
To: [REDACTED]@gov.scot>
Subject: FAO James Hamilton QC

Dear [REDACTED]

Please find attached a letter for Mr Hamilton from Jackie Baillie, Murdo Fraser, Alex Cole Hamilton and Margaret Mitchell.

Many thanks,

[REDACTED]

[REDACTED] | **Parliamentary Researcher**

Jackie Baillie MSP

The Scottish Parliament, Edinburgh, EH99 1SP | [REDACTED]

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FAO James Hamilton QC

From: [REDACTED] <[REDACTED]@parliament.scot>
To: [REDACTED] <[REDACTED]@gov.scot>
Date: Mon, 08 Feb 2021 16:26:45 +0000
Attachments: 8 Feb 2021 Mr James Hamilton QC.docx (93.15 kB)

Dear [REDACTED]

Please find attached a letter for Mr Hamilton from Jackie Baillie, Murdo Fraser, Alex Cole Hamilton and Margaret Mitchell.

Many thanks,

[REDACTED]

[REDACTED] [REDACTED] | **Parliamentary Researcher**

Jackie Baillie MSP

The Scottish Parliament, Edinburgh, EH99 1SP | T [REDACTED]

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Mr James Hamilton QC

By email:

8 February 2021

Dear Mr Hamilton,

We are grateful for your letter of 13 January 2021 and welcome your confirmation that the matter of reporting of the relevant meetings to the Parliament, of 29 March and 2 April 2018, is within your current remit, and will be investigated.

We would, however, seek further clarification from you in relation to other potential breaches of the Ministerial Code, set out in the submission made to you by Alex Salmond, the former First Minister. As you are aware that submission was shared with us directly.

Specifically, we note that several specific instances of the First Minister being alleged to have misled Parliament are made.

Those are (with reference to the paragraphs of Mr Salmond's submission)

First, the statement to Parliament (Official Report 8 October 2020) that the meeting on 29 March 2018 was pre-arranged and for the specific purpose of discussing the complaints made. By contrast, the First Minister told Parliament that the meeting was 'fleeting or opportunistic' (paragraph 18);

Second, the statement to Parliament (Official Report 10 January 2018) that 'I did not know how the Scottish Government was dealing with the complaint, I did not know how the Scottish Government intended to deal with the complaint and I did not make any effort to find out how the Scottish Government was dealing with the complaint or to intervene in how the Scottish Government was dealing with the complaint.' By contrast, the evidence offered by Mr Salmond is that the First Minister did initially offer to intervene (paragraph 20) and did in fact update Mr Salmond about the progress of the investigation, the response to be anticipated from the Permanent Secretary and indeed offered him advice about how best to engage in the process (paragraph 27). That issue is also raised at paragraph 34.

Third, there is the suggestion that the First Minister has breached the Ministerial Code in relation to her response to the legal advice, and specifically section 2.30 of the Ministerial Code. (Paragraph 30).

Finally, there is also the question of paragraph 26 which, backed by the WhatsApp evidence supplied initially by the First Minister herself, indicates that it was in fact she who initiated the third face to face meeting with her predecessor. This was not stated in her evidence to our Inquiry.

We would be grateful for urgent confirmation that each of these specific aspects will indeed be investigated by you.

If it is not your intention to investigate any of them, we would be grateful to understand the reason why you are unable to do so.



Our concern is to ensure that such potential breaches are not excluded from consideration by the terms of your current remit. As you know the Ministerial Code is Phase 4 of the Parliamentary Inquiry.

We are grateful to you for your consideration of these further points.

Yours sincerely,

Jackie Baillie MSP

Margaret Mitchel MSP

Murdo Fraser MSP

Alex Cole Hamilton MSP

From: [REDACTED]
Sent: 08 February 2021 11:22
To: James Hamilton [REDACTED]
Subject: Interview transcript

Hi James,

Please see attached transcript of the interview with the Perm Sec- password is the same as usual. Apologies this took longer, somehow the near final version of it disappeared despite the fact I had saved it and I had to re-do it from the beginning!

If you think these look ok, I can send this and the other two transcripts to the interview participants to get the transcripts agreed this week.

Best wishes,

[REDACTED]

Call with the Permanent Secretary, 27 January 2021

Attendees

James Hamilton, Independent Advisor under the Ministerial Code

Leslie Evans, Permanent Secretary

Secretariat to the
Independent Advisor
under the Ministerial
Code

Transcript of meeting

JH: Thank you for agreeing to participate in this interview. As you know, I am conducting an investigation into the First Minister's self-referral under the Ministerial code concerning meetings between the First Minister and Alex Salmond in 2018.

Thank you for the written statement you have provided. I have used the information in this, and other statements I have received, to develop a list of further questions I would like to discuss with you, which I think you have seen.

LE: No, I don't think I've seen that.

JH: Okay. [REDACTED], who provides secretariat support to the investigation, will also be present during the interview to take notes and to provide practical and technical support if required.

The meeting will also be recorded, so that a transcript of the conversation can be produced. This will be shared with you as a record of the discussion, and once the transcript is agreed the recording will be destroyed.

In producing my report, I may find that I need to refer to the information you provide. I will be taking appropriate action to ensure that my report is compliant with any relevant court order.

Do you have any questions about the process, or how the information you provide will be used?

In that case, let us turn to the main part of the discussion.

What was your involvement in drawing up the new "Procedure" for dealing with harassment complaints against Ministers and former Ministers? And there were a couple of other sub themes of that. What was the intention behind the changes? What prompted them? At whose initiative was the process of reviewing and changing the procedures made? And whether the review was influenced in any way by any specific incidents? And also what weaknesses if any there were in the former system of, or what were they perceived to be?

And who was involved in the review process? Whether former Ministers were consulted? If not, were there any considerations given to consulting them? So that's really the first 4 questions but they are interlinked I think so I put them together.

LE: Right there is a lot there, actually, and I'm happy to give you my role in all of this, but actually in terms of what you have just asked there's quite a lot of information that we could bring to bear that would come from other sources, or indeed extant sources, so for example the information that we have already submitted to the Inquiry, both verbal and written, I can point you in the right direction of those, if you were to kindly send me those questions, to make sure that you have got the most fulsome, I suppose, account, because there's quite a lot of technical detail here and we're compiling this not just for the Inquiry but actually also for Laura Dunlop QC's review of the procedure. So to start off with, my role, I was not directly involved in the putting together of the procedure, you, one wouldn't expect to because obviously it was something that was going to be led by someone to whom I delegated it from the Cabinet commission, which it where it initiated, or where it originated rather. And it was led by one of my senior civil servants, James Hynd, again, who has given quite a lot of evidence about this to the Inquiry, which we could sift out for you, in consultation with HR and legal advice. And indeed other sources, so we asked, or they asked, I found subsequently, the police, for example, about witness and support for individuals. They, I think, took advice from ACAS, and procedures around the traditions and what is generally seen to be good practice. So it was a period of time between, well in the autumn, October, to when it was signed off on the 20th of December when there were a lot of iterations, so there were versions being re-evaluated, compressed, revised and so on over that period of time, and it was James Hynd who was leading that but with input from HR and from legal colleagues.

JH: Okay. And in relation to specific incidents, I think there had been a particular alleged incident which had taken place at the Airport involving Mr Salmond, or allegedly involving Mr Salmond, and I think there was also another Minister who resigned at some point. Were these part of what prompted it, or was it simply...

LE: No. Clearly they were contemporary. I didn't know, and I'm glad to say I still don't know what the content or the issue around Edinburgh Airport was. All I knew was that my staff were being contacted by Mr Salmond's representatives and that was of concern to me, but I was- I mean, two points here- I was very deliberately, because of the procedure, even when it was evolving, I was very deliberately and appropriately kept well out of any incidents that might be coming forward in terms of being concerns, not even complaints but concerns at that point, because I was aware that I may subsequently have a role in that procedure, as in other procedures, where I might have to make, take some opinion, some stance and be a Deciding Officer. So I was, as Perm Sec I'm always a bit away, from these things, because it's not my expertise, but it was particularly important that I was away from that side of things, from any potential "contamination", my words not others. So the Edinburgh Airport issue was rather more contextual, I was concerned about it but for all sorts of reasons, and indeed the Ministerial, or the issue around a Minister, was found to be parliamentary in nature so we had no involvement in that.

JH: Okay.

LE: The thing that was, I suppose, the thing that was really driving all of this, at this point, was the heightened awareness of the "Me Too" campaign, and there were instances in Westminster and as you have mentioned in the Scottish Parliament, that

was creating concern, allegations that were being considered within the Westminster context, but a wider issue, and that was what prompted us to consider, and for Cabinet to ask me specifically, "are our procedures up to this", given what we're seeing elsewhere in other organisations, institutions, so that was one really clear direction, and the other one was I received a direction from my own line manager, that the Cabinet Secretary of the day, which was Sir Jeremy Heywood, you may have seen the letter, was can supply it to you, asking all Permanent Secretaries to make sure that we had procedures in place in case of such allegations being made.

JH: Okay. That's very helpful and I think that documentation that you mentioned would probably be helpful too, but it's not a primary focus of what I'm doing, it's really background to understand the context...

LE: Okay.

JH: ... and there have been some suggestions, perhaps, about other views that why this came about

LE: Right.

JH: The other thing I wanted to ask was how many harassment complaints have there been in recent years? I've seen some Parliamentary briefings that suggested there were very few, if indeed none, going back a few years, but that there have been a number in the more recent past. Do you have any statistics on that or any information that you...

LE: We do. I mean rather than me try and recollect them all now we can give you that, it depends whether you are talking about Ministers or non- Ministers, but we can give you both, if that's helpful.

JH: It would be useful to have the overall context, and indeed how many Ministers, and a breakdown of how many of them, for example, are sexual harassment, how many of them are bullying....

LE: Right.

JH: ... whatever way you categorise them, and just to have some sense of the scale of the problem.

LE: Okay.

JH: This is just a very general question, which I didn't put in the list, but you meet- I presume you meet the First Minister on a very frequent basis?

LE: Yes, regularly, yes.

JH: I mean, would you meet daily, or...

LE: No.

JH: Less often than that, once a week?

LE: Yes. Once a week. Once a week is our traditional rhythm. Not every week but most weeks, not least in the margins of Cabinet, of course I'm there for every Cabinet meeting.

JH: Yes, yes, okay. And, you, I know you've told me this in the written statement, that prior to the 5th of June 2018 the First Minister hadn't made you aware of her communications with Mr Salmond?

LE: No.

JH: And you can confirm that to me? Now, one of the things I'm asked to do is determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the procedure. And I think by implication what she has said in her written statement would suggest that you are not aware of any such attempt. Can you confirm that to me?

LE: Absolutely. In fact quite the opposite. She was at pains when she did speak to me about these meetings, about which I had known nothing, I think she was very concerned lest it could be construed or considered in some way that she would use that information. And she was very upfront, I think both, certainly in the call and in writing subsequently to make it very clear. But I also, I have to say, took my role as Deciding Officer incredibly seriously, as indeed I should, and I was not in any mind or ever open to any kind of persuasion of that kind. So even if she had, which I have to say she did not, absolutely not in any way, I was very clear about my responsibilities and my role as a civil servant as well, in that respect.

JH: I presume that the information about complaints was kept very tight?

LE: Yes.

JH: I mean, apart from you, presumably you have a secretary or somebody who would have been aware of things, or were you the only person who was aware of it?

LE: No, I wasn't. I didn't know about the nature of the complaints myself, until I read about them at the very end of Jan, sorry it was the 23rd of February, I remember it very clearly.

JH: As Deciding Officer?

LE: Yes, so I had no knowledge of them at all, and that was exactly right. And it was at that point when I read about them in a report, I was being asked to make an assessment "were these causes for concern". Not who did what or anything, but were these worthy of further investigation. So it was only at that point that I became aware of that. The number of people that would have been aware of the actual content and nature of the complaints was very small. It wouldn't have been only me, but I wouldn't say that my, people in my office would know about it either, it was HR

who was most familiar with it as they were providing support to the individuals before they transferred them from concern into the formal complaint procedure.

JH: How big an HR unit do you have?

LE: Well, in terms of the people that were involved in this, I can't say categorically but I would say a couple of people would know in the HR side.

JH: Yeah.

LE: And somebody in legal would subsequently find out because of course it then became, it moved into the, more issues of the JR and so on. But actually even then, the number of reports that were produced, hardly anybody saw, quite rightly, hardly anybody saw the report at all.

JH: The reason I'm interested in this is that were obviously some rumours going about [REDACTED]

LE: Right.

JH... [REDACTED], but the likelihood I suppose, from what you are saying, is that any rumours wouldn't have emanated from within the people who would be investigating complaints, or dealing with them.

LE: No, no. And I mean, I suppose, I don't know what those rumours are, or what they are alleged to be, and it's nothing to do with me. But I suppose the issue here is that we were, our focus, and certainly HR's focus, was very much on protecting the identify, as well as the nature of this, of these allegations. Not just for the individuals who were raising the complaints, but actually for the integrity of the person against whom these allegations were being made.

JH: Sure.

LE: So it was, they were, I mean, as you will probably know, it's in the DNA of good HR people to keep things very tight.

JH: Of course, yes.

LE: And, the- I was very very concerned that the confidentiality was kept tight. So I can't tell you exactly how many people may have known about the complaints, as opposed to the content of the complaints, but it would still have been really very small.

JH: Okay. Now, when the First Minister informed you of the meetings on the 5th of June, was there any discussion of whether there should have been a record of the meetings, or whether then should have been notified as meetings under the provision in the Ministerial Code which talks about meetings with outside people and so forth?

LE: I don't recall that, I mean obviously she wrote to me after that, and you'll have seen the letter. But when she told me which was verbally the day before, on the 5th, it wasn't a very long conversation. I mean her, I think she was at pains to be upfront but I don't think she wanted to dwell on the nature because she said "I am going to be writing to you about this". So...

JH: Yeah. So you didn't ask any further questions yourself?

LE: No, I didn't at that point, I didn't, well I didn't- no I didn't, I didn't. I had assumed, perhaps wrongly, that they were personal or party space. If I had heard anything that made me think they were more official than that perhaps I would have asked that question. I'm afraid I made- rightly or wrongly- I made an assumption on the basis of what she told me at that time.

JH: Well, I mean did she just simply tell you she had met Mr Salmond, or did she tell you more about it than that?

LE: She didn't go in to detail at all. She said that she had had meetings, a meeting with him, but she didn't go in to any detail, partly, I suspect, she looked at the expression on my face, and probably even at her own, you know, she would have been careful herself, because, as I have said, she wouldn't have wanted to have been seen to be telling me more than she should have done in terms of being accused of or my concern that it could have been construed. And as you know, Civil Servants are, have a healthy neurosis about this kind of thing, I would not want to have been seen- my face probably told a story, as in "I don't know if I want to be told anything more about this" but she was adamant she was going to write me, which was absolutely the right thing to do, so I said "of course, do", and it was a few hours later that she wrote to me.

JH: And you didn't express any view to her about the propriety or anything of that sort of meeting?

LE: I didn't at that point because I was quite surprised by it, I have to say, and it was a very short exchange. But, and also, I knew she was going to be writing to me and telling me what that meant. Of course, I'm not her diary keeper either so I wouldn't have known what, quite rightly so, what those meetings were about and whether they were Government or party meetings.

JH: But if it had been a pure party thing, presumably she wouldn't have found it necessary to tell you anything?

LE: Well I suppose, looking back on what she said, she was- I don't know what happened in those discussions, and I'm not going to try and say I do, and it's right that I don't, but I had assumed the reason that she had raised it with me was because she was concerned that he was asking her or implying she might do something, say something, have some locus, which she has not, in the process, so that, I'm afraid, is what I assumed, that it was. I also know that they are old friends, you know, that's not new, they had worked together, it was not extraordinary that she should have some contact with him, what I thought was my concern, primarily, was

that it couldn't be misconstrued as having any impact on the procedure that was still live at that point, and that I had still got a role in.

JH: So, were you aware then that it was something to do with the procedure that he was meeting her about?

LE: No, because she didn't tell me that on the 5th, she just said that he had- I mean I can't remember the detail of the conversation to be honest, it was pretty short, I know that, because it was a part of our meetings, one of our normal meetings, if you like, and also because I was a bit surprised by it, a bit taken aback by it. I don't remember her telling me anything about it particularly other than I shall write to you about it and it's important that I do. I said "yes it is" and my assumptions were, I have to say, that it was two people who knew each other meeting rather than anything more formal than that, but I didn't want to be engaged in it any further.

JH: And something quite specific I want to ask you about the discussion you had in mid-July 2018, and I think she told you at that stage that Mr Salmond was looking for a process of arbitration.

LE: Yes.

JH: Now, there seems to have been, in my mind, at any rate, some confusion over what is meant by arbitration, whether he was talking about having some sort of mediation between himself and the complainants, or there's a letter from his solicitors at a later date which says the arbitration they were talking about was never about the actual complaints, but about the method by which these complaints would be resolved. Do you understand, what was your understanding of what he meant, or did you ask any further questions about it, as I think the First Minister says that she made it clear that she wasn't asking you to do anything and wasn't suggesting that she did, but wanted you to be aware that he had made these submissions?

LE: Yes, I understand that. I mean, again, I can give you some quite detailed lines, that we, well date lines and timelines of all of this that might be helpful. Short and sharp, but we shared a lot of information on this in the Inquiry and I gave evidence to this effect as well. I mean, first of all there was a discussion about mediation and that was dispatched quite quickly because the complainants did not want to get engaged in mediation and made it quite clear that they didn't. In terms of arbitration, I think the description as I remember it, and I don't have the letter in front, was about some kind of judicial appointment of some kind that could see whether this could be taken, reduce the need for any procedural continuation and indeed, could be construed, you know, keep it simpler, take it out of any procedural requirement. I took legal advice on this, because that was my general go to on the correspondence with Levy and McRae, because it was coming from a legal source and I was guided at every stage by this. And so we took advice on mediation from HR, and we took on advice on this kind of arbitration from our legal, my legal colleagues, and we wrote back in accordance with that. I'm trying to remember and this is why I need to get, refresh my memory and perhaps share with you, but as far as I can remember I think we had already refused arbitration by the time the First Minister came back in touch, got in touch with me about it. I haven't got an exact date of that, I think she has got a

clearer recollection of that call than I have. I remember the call but I don't remember the date, because I think she was on holiday.

JH: From your point of view, these representations, I suppose if I call them that, were coming through Mr Salmond's solicitors and being dealt with...

LE: Oh yes. Absolutely, yes indeed.

JH:... that way.

LE: Oh yes, I took advice from our legal colleagues because as I said I did with every piece of correspondence with them because I wanted to be careful, but yes it was being put through the correspondence, the continual correspondence that we were having with them, yeah.

JH: Sure. Now, it, I am sort of conscious when I look at this that the First Minister seemed to be, I think the only person she was talking to for advice was her Chief of Staff, I don't think she got advice from any of the permanent Civil Service about these questions. And would she have been able to take advice? I mean obviously you couldn't be approached because of your role in dealing with things, but could she have approached some other senior Civil Servant, and looked for advice in relation to how she should deal with these problems, without you becoming aware of it, or?

LE: When you say these problems, are you talking about meetings with...

JH: How to handle Mr Salmond, yes.

LE: Yeah.

JH: ... should she be meeting him at all, what she should do about his requests?

LE: Yeah, I mean I think she was right, and as you say it wouldn't have been me. Obviously there are other civil servants who, to whom she could have directed these. I think not many, actually, because the role is pretty clean cut, and I think the, I'm not trying to speak on her behalf, but I think she has, to be fair to her, always been absolutely clear in her delineation between party and government. And she's very uncomfortable talking about party business in any government frame at all. Quite rightly, of course, that's exactly right. But she is really forensic about it. So whilst I can't speak on her behalf, and I wouldn't, I suspect she would have been reluctant to have spoken to a senior, a civil servant about something which she was very much seeing through a party lens.

JH: Sure.

LE: But of course, she could have gone to, I suppose if anybody, she might- you know, I am her go to person on this kind of thing so it would have been difficult for her to have thought elsewhere. James Hynd, who was carrying out the procedure development, looks after Cabinet business and was there at the time of the commission of the procedure then actually developed the procedure. But I think it

would have been very uncomfortable for her, and I mean that in the professional sense, to feel that she was crossing the line between party and government.

JH: Were, there were obviously party considerations, in that she has said herself one of her concerns was that he might resign, or that he might do various things. Obviously that's purely party matter, but also he was suggesting apart from arbitration, that as First Minister she was entitled to step in and essentially override the procedure, and you know that's something that perhaps somebody, some civil servant advice might have been, well in fact she rejected that as we know,

LE: She was very clear, I mean she was part of the signing off of the procedure. She did sign off on it, so she was absolutely crystal clear, she had a copy of it, I'm sure, somewhere, that her role and her locus was not that. She knew that pretty well.

JH: And she seems to have been very firm in that view.

LE: Yeah, she wouldn't need a civil servant of any calibre to tell her that, she was very clear, so yeah.

JH: Okay, I understand that. There's the final question that I wanted to ask you, because again, one of the, one of the things I'm asked to look at is whether there is a case for any amendments to the Ministerial Code in the light of what has happened. Have you any views about that, or are there any parts of it that you think need strengthening or tweaking, or?

LE: I'd like to think a bit, a bit more about that if I may and give a couple of sentences, rather than give you anything sort of glib or off the cuff. I think- two things- let me think about it and come back to you, cos I think that would be a helpful thing for me to spend a little bit of time thinking about and considering.

JH: I'm thinking in particular of the provision which is obviously designed to deal with lobbying or somebody who is trying to get a contract or a job, or maybe to change Government policy on something, outside approaches and so on.

LE: Yes.

JH: And I've seen the documents which are published on the Scottish Government website, and I have to say they strike me as singularly uninformative apart from the fact of who has been met, but it doesn't really tell you anything about what they talk about.

LE: No.

JH: And it's also quite striking that for some Ministers there are a lot of these contacts and for others not so many, so I have to say I would just wonder looking at it how punctilious people are in reporting everything.

LE: Well in fact that's an interesting point, the lobbying legislation was recently updated, as you know, to include me as well, so I publish all my diaries now, I think I'm the only Permanent Secretary in the UK that is required to do that. I don't have a

problem with it at all, but I think the fact that the legislation was quite broad, and indeed whether or not we have kept pace with that, in terms of some of the Code, is an interesting point. I think the other thing is when we look at this procedure we would want to make sure that we were absolutely in step in every way with any revisions to the Ministerial Code. So we would want to keep these in pace, I think that has been the case so far but any changes to either of those I would want to make sure the read across, particularly in such difficult territory, such testing territory, that we really look at that again. But I will come back to you on that, cos I think...

JH: That would be very useful, I'm hoping though to produce this report quite quickly if I can because I don't want to run up against, I'm conscious that there is an election coming up so..

LE: Indeed.

JH: ... I don't want to get anywhere close to that.

LE: No, quite right. I understand that.

JH: Yeah, well, thank you very much for your time. I don't know if there is anything else you want to add to what you've said? And it would be very helpful if you can give us some, the various things that you've mentioned.

LE: Yes. I'll check in with [REDACTED] just to make sure that we're both in agreement of what would be most useful to you, and get somebody in my office to do that quickly given your timescale. The only thing I would say is that I was very conscious, and I think I will give you some of the extracts from the Official Record that will give you a bit more flavour of this but I as you would expect, but given the circumstances, I took my role as Deciding Officer incredibly seriously. You know, it still stays with me and it was a career defining decision to do what I did. That in itself was substantial. I was not in any mood or in any place to take any influence from anyone on that. I took that- that lay and lies on my shoulders for good and for ill. The decisions and the process that I undertook. And that will be examined and critiqued, quite rightly, in another forum to this. But I think it's really important that I make that point. That was my role, my responsibility and I undertook it, and nobody was in a position, whoever it might be, to influence me and they didn't. For good or for ill.

JH: Okay, thank you very much.

LE: Okay, thank you. Nice to meet you, albeit virtually. And I will send this information to you quickly.

JH: Thank you very much.

LE: Bye.

JH: Bye.

From: [REDACTED]@gov.scot>
Sent: 08 February 2021 19:39
To: [REDACTED]@gov.scot>
Subject: RE: James Hamilton- Ministerial code referral (203976)

Hi [REDACTED]

Just wondering will we need to forward on the invoices we receive just for info to SGLD Finance or will they be content in just receiving receipts and statements.

Thanks, [REDACTED]

[REDACTED] | **Scottish Government | Cabinet, Parliament and Governance**
Division | Tel: [REDACTED] | **email:** [REDACTED][@gov.scot](mailto:[REDACTED]@gov.scot)

From: [REDACTED][@gov.scot](mailto:[REDACTED]@gov.scot)>
Sent: 08 February 2021 17:50
To: Jennifer Dunn [REDACTED]
Cc: [REDACTED][@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: James Hamilton- Ministerial code referral (203976)

Hi Jennifer,

Many thanks, that looks great. Sorry for any confusion about this.

[REDACTED] - don't know if there is anything else from a process point of you you would want to add?

Best wishes,

[REDACTED]

From: Jennifer Dunn <[REDACTED]>
Sent: 03 February 2021 15:16
To: [REDACTED][@gov.scot](mailto:[REDACTED]@gov.scot)>
Cc: [REDACTED][@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: FW: James Hamilton- Ministerial code referral (203976)

Hi [REDACTED],

Please see email below from our account department. I hope this is sufficient for your purposes.

Kind Regards
Jennifer

Jennifer Dunn | Deputy Advocates' Clerk | Ampersand Advocates | 0131 260 5614
(forwarding to: [REDACTED] | ampersandadvocates.com)
(my working days are Mondays, Tuesdays and Wednesdays 9am to 5pm)

From: Nicola Martin [REDACTED]
Sent: 03 February 2021 15:12
To: Jennifer Dunn [REDACTED]
Cc: Shawn McArthur [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral (203976)

Hi Jennifer

I have changed the billing address for this case only to [REDACTED]@gov.scot cc'd to [REDACTED]@gov.scot. Invoices will not be emailed to the usual email addresses for this Agent for fees. Receipts and statements will still be emailed to SGLD finance.

Kind Regards
Nicky

From: Jennifer Dunn [REDACTED] >
Sent: 03 February 2021 13:09
To: Nicola Martin [REDACTED]
Cc: Shawn McArthur [REDACTED]
Subject: FW: James Hamilton- Ministerial code referral (203976)

Hi Nicky,

Please see email below from [REDACTED] at [REDACTED]. Is there something you can do at your end to amend LEX so that fees go to [REDACTED] and [REDACTED] rather than [REDACTED] Finance? Thanks.

Kind Regards
Jennifer

Jennifer Dunn | Deputy Advocates' Clerk | Ampersand Advocates | 0131 260 5614
(forwarding to: [REDACTED] | ampersandadvocates.com)
(my working days are Mondays, Tuesdays and Wednesdays 9am to 5pm)

From: [REDACTED]@gov.scot>
Sent: 03 February 2021 12:30
To: Shawn McArthur [REDACTED] >; Jennifer Dunn [REDACTED] >
Cc: [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi Shawn and Jennifer,

I just wanted to get in touch to ask if you could direct any invoices for this work to myself and my colleague [REDACTED], who is copied in to this email? I know that you would usually direct invoices to [REDACTED] finance, but the arrangements for this are a bit unusual as the work is being done for the independent advisor under the

Ministerial code, rather than directly for SG, and so my team are leading on sorting payment.

Happy to discuss,

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 22 October 2020 13:03

To: Shawn McArthur [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi Shawn,

I have checked with my colleague as to how we should approach the invoices for this. Whilst Mr Hamilton is the client, SG will pay the invoices direct on his behalf as we will be covering any expenses associated with this work.

Case Name: Ministerial Code Referral

Client Name: Mr James Hamilton

Confirmation on where fees are to be sent: could you send invoices to me? I will then get a colleague to raise a purchase order number and arrange for the invoice to be paid.

PO No. if necessary: purchase orders will be raised for each invoice.

Please let me know if you need any other information.

Best wishes,

[REDACTED]

From: Shawn McArthur
Sent: 20 October 2020 12:03

To: [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi [REDACTED]

In relation to setting this case up on our systems for feeing. Can you advise on the following;

Case Name

Client Name

Your Ref no.

Confirmation on where fees are to be sent

PO No. if necessary

Thanks
Shawn

Shawn McArthur | Deputy Advocates' Clerk | Ampersand Advocates | 0131 260 5616

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From: [REDACTED]@gov.scot>
Sent: 20 October 2020 10:21
To: Sheena Hume [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi Sheena,

Apologies for the delay, I wanted to double check things with Mr Hamilton and seek confirmation in writing that he was content to instruct. Mr Hamilton has now confirmed that he would like to proceed to instruct so we are fine to proceed.

[REDACTED]

I think the best thing would be if you could direct any future fees notice to myself and I will liaise with my colleagues here to organise payment. I'm going to double check with colleagues whether that is the best approach and will let you know if I need to make any modifications to this arrangement.

Best wishes,

[REDACTED]

From: Sheena Hume [REDACTED]
Sent: 15 October 2020 14:52
To: [REDACTED]@gov.scot>
Subject: RE: James Hamilton- Ministerial code referral

Hi [REDACTED]

[REDACTED]

Please advise if you intend to proceed to instruct. If you are able to advise who any future fee note should be directed to that would assist with setting up a case file at my end. I note you've advised Jennifer that the costs will be met the by Scottish government.

Kind regards.
Sheena

Sheena Hume | Deputy Advocates' Clerk | Ampersand Advocates | 0131 260 5809 | ampersandadvocates.com

From: [REDACTED]@gov.scot>
Sent: 15 October 2020 11:17
To: Sheena Hume [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi Sheena,

Apologies, [REDACTED] Thanks for spotting that.

Best wishes,

[REDACTED]

From: Sheena Hume <[REDACTED]>
Sent: 15 October 2020 11:13
To: [REDACTED]@gov.scot>
Subject: RE: James Hamilton- Ministerial code referral

Hi [REDACTED]

Thanks for your email to Jennifer which I've picked up in her absence. [REDACTED]
[REDACTED]

Kind regards.
Sheena

Sheena Hume | Deputy Advocates' Clerk | Ampersand Advocates | 0131 260 5809 | ampersandadvocates.com

From: [REDACTED]@gov.scot>
Sent: 15 October 2020 10:15
To: Jennifer Dunn [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi Jennifer,

Many thanks for getting back to us so quickly. I have spoken to Mr Hamilton about the timings and he thinks the timings set out below will work well, as we expect that the bulk of the work will be later into November.

[REDACTED]

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

From: Jennifer Dunn [REDACTED]
Sent: 14 October 2020 11:09
To: [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi [REDACTED]

Thank you for confirming.

I have spoken with Mr Ross who would very much like to assist Mr Hamilton. As I mentioned on the phone he is fully engaged on a case with looming deadlines at the moment so has little to no time available between now and 30th October. Thereafter, beside the last week of November (w/c 23/11) where he is not available, he would have some time to assist. I'm not sure if that is helpful to Mr Hamilton but if you could confirm either way I would be grateful.

If Mr Hamilton would like to give Mr Ross a call he would be happy to speak to him. His mobile number is [REDACTED]

Kind Regards
Jennifer

Jennifer Dunn | Deputy Advocates' Clerk | Ampersand Advocates | 0131 260 5614
(forwarding to: [REDACTED]) | ampersandadvocates.com
(my working days are Mondays, Tuesdays and Wednesdays 9am to 5pm)

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From: [REDACTED]@gov.scot>
Sent: 14 October 2020 10:53
To: Jennifer Dunn [REDACTED]
Subject: RE: James Hamilton- Ministerial code referral

Hi Jennifer,

The line in the PQ referencing costs relates only to Mr Hamilton himself. The Scottish Government is covering the expenses incurred by Mr Hamilton in undertaking his work.

Best wishes,

[REDACTED]

From: Jennifer Dunn [REDACTED]
Sent: 14 October 2020 10:42
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: James Hamilton- Ministerial code referral

Dear [REDACTED],

Thank you for your email. Can I clarify one point with you before I speak to Douglas. I note from the attachment that '*appointment as an independent advisor does not attract payment*'. Is that referring to Mr Ross not being paid for any legal advice he gives here or to something else? Many thanks.

Kind Regards
Jennifer

Jennifer Dunn | Deputy Advocates' Clerk | Ampersand Advocates | 0131 260 5614
(forwarding to: [REDACTED]) | ampersandadvocates.com
(my working days are Mondays, Tuesdays and Wednesdays 9am to 5pm)

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From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 14 October 2020 10:12
To: Jennifer Dunn [REDACTED]
Subject: James Hamilton- Ministerial code referral

Dear Jennifer,

Thank you for the phone conversation earlier this morning. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Happy to provide more information if that would be helpful.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code
| Please contact me on Skype or on [REDACTED]

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Re: Sky news

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED] <[REDACTED]@gov.scot>
Date: Mon, 08 Feb 2021 15:07:57 +0000

Thanks, [REDACTED] The report is rather unspecific. I assume no charges were ever brought.

James

On Mon, 8 Feb 2021 at 13:18, <[REDACTED]@gov.scot> wrote:

[Alex Salmond denies misconduct at Edinburgh Airport | UK News | Sky News](#)

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Evidence to the Committee

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Mon, 08 Feb 2021 11:38:41 +0000

Hi James,

Just wanted to send a quick update on evidence to the Committee- as far as I understand it, Mr Murrell will give evidence again today.

Mr Salmond, who was due to give evidence tomorrow, has declined to do so until his submissions (including the one he sent you) are published by the Committee. He has offered to attend the Committee at any day this week once the publication has been arranged.

Best wishes,

[REDACTED]

From: [REDACTED]

Sent: 08 February 2021 14:07

To: James Hamilton [REDACTED]

Subject: Further article on redacting the Salmond statement

There's a further discussion in the Guardian today on the Salmond evidence:

[Alex Salmond demands clarification of rules before he faces MSPs | Alex Salmond | The Guardian](#)

From: [REDACTED]
Sent: 08 February 2021 17:32
To: James Hamilton [REDACTED]
Subject: Peter Murrell- evidence session

Hi James,

Please see attached link to the video of the evidence session with Mr Murrell, and the OR of the session.

[Scottish Parliament TV | Committee on the Scottish Government Handling of Harassment Complaints : February 08, 2021](#)

[Official Report - Parliamentary Business : Scottish Parliament](#)

There were a number of questions from Alex Cole-Hamilton and Murdo Fraser about the meeting on the 2nd of April, mostly covering things around what Mr Murrell understood to be the purpose of the meeting, what he knew when, and whether he was in the house. Murdo Fraser has written to the Lord Advocate to ask him to investigate if Mr Murrell has misled the Parliament under oath, and thus committed an offence.

https://twitter.com/murdo_fraser/status/1358820712253906946?s=20

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 08 February 2021 16:34
To: James Hamilton [REDACTED]
Subject: FW: FAO James Hamilton QC

Hi James,

Please see attached letter from various MSPs. They are looking for assurance on exactly which alleged breaches of the code you will cover in your report.

Best wishes,

[REDACTED]

From: Munro S (Shonagh) <Shonagh.Munro@parliament.scot>
Sent: 08 February 2021 16:27
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: FAO James Hamilton QC

Dear [REDACTED]

Please find attached a letter for Mr Hamilton from Jackie Baillie, Murdo Fraser, Alex Cole Hamilton and Margaret Mitchell.

Many thanks,

Shonagh

Shonagh Munro | Parliamentary Researcher

Jackie Baillie MSP

The Scottish Parliament, Edinburgh, EH99 1SP | T: [REDACTED] | [REDACTED]

[REDACTED]

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Mr James Hamilton QC
By email:

8 February 2021

Dear Mr Hamilton,

We are grateful for your letter of 13 January 2021 and welcome your confirmation that the matter of reporting of the relevant meetings to the Parliament, of 29 March and 2 April 2018, is within your current remit, and will be investigated.

We would, however, seek further clarification from you in relation to other potential breaches of the Ministerial Code, set out in the submission made to you by Alex Salmond, the former First Minister. As you are aware that submission was shared with us directly.

Specifically, we note that several specific instances of the First Minister being alleged to have misled Parliament are made.

Those are (with reference to the paragraphs of Mr Salmond's submission)

First, the statement to Parliament (Official Report 8 October 2020) that the meeting on 29 March 2018 was pre-arranged and for the specific purpose of discussing the complaints made. By contrast, the First Minister told Parliament that the meeting was 'fleeting or opportunistic' (paragraph 18);

Second, the statement to Parliament (Official Report 10 January 2018) that 'I did not know how the Scottish Government was dealing with the complaint, I did not know how the Scottish Government intended to deal with the complaint and I did not make any effort to find out how the Scottish Government was dealing with the complaint or to intervene in how the Scottish Government was dealing with the complaint.' By contrast, the evidence offered by Mr Salmond is that the First Minister did initially offer to intervene (paragraph 20) and did in fact update Mr Salmond about the progress of the investigation, the response to be anticipated from the Permanent Secretary and indeed offered him advice about how best to engage in the process (paragraph 27). That issue is also raised at paragraph 34.

Third, there is the suggestion that the First Minister has breached the Ministerial Code in relation to her response to the legal advice, and specifically section 2.30 of the Ministerial Code. (Paragraph 30).

Finally, there is also the question of paragraph 26 which, backed by the WhatsApp evidence supplied initially by the First Minister herself, indicates that it was in fact she who initiated the third face to face meeting with her predecessor. This was not stated in her evidence to our Inquiry.

We would be grateful for urgent confirmation that each of these specific aspects will indeed be investigated by you.

If it is not your intention to investigate any of them, we would be grateful to understand the reason why you are unable to do so.

Our concern is to ensure that such potential breaches are not excluded from consideration by the terms of your current remit. As you know the Ministerial Code is Phase 4 of the Parliamentary Inquiry.

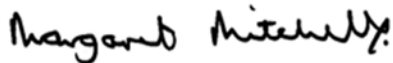
We are grateful to you for your consideration of these further points.

Yours sincerely,

Jackie Baillie MSP

A handwritten signature in black ink, appearing to read 'J Baillie'.

Margaret Mitchel MSP

A handwritten signature in black ink, appearing to read 'Margaret Mitchel'.

Murdo Fraser MSP

A handwritten signature in black ink, appearing to read 'Murdo Fraser'.

Alex Cole Hamilton MSP

A handwritten signature in blue ink, appearing to read 'Alex Cole Hamilton'.

RE: Letter to Mr Salmond

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Tue, 09 Feb 2021 15:48:38 +0000

No problems, I had picked up the version from your email and just adjusted one missing space. I will issue the letter now.

It seems that the Committee has concluded it would not be possible to come to an agreement with Mr Salmond re. him attending an evidence session. The press lines they have issued seem to indicate that the publication of Mr Salmond's statement in various media outlets has made it more difficult for them to publish it.

<https://twitter.com/BBCPhilipSim/status/1359145196550774786?s=20>

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 09 February 2021 15:33
To: [REDACTED]@gov.scot>
Subject: Re: Letter to Mr Salmond

[REDACTED]

Please note it is slightly changed from the draft you sent me.

James

On Tue, 9 Feb 2021 at 15:31, James Hamilton <[REDACTED]@[REDACTED]> wrote:

Yes, please do.

On Tue, 9 Feb 2021 at 13:16, <[REDACTED]@gov.scot> wrote:

No problem, I can send that out now if you are content with it?

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 09 February 2021 13:08
To: [REDACTED]@gov.scot>
Subject: Re: Letter to Mr Salmond

[REDACTED]

It was in the email I sent at 15.24.

James

On Mon, 8 Feb 2021 at 15:51, <[REDACTED]@gov.scot> wrote:

Thanks James, apologies I might well have missed it in my frustration about the disappearing transcript!

Are you happy for me to issue the letter? If so I will do today.

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 08 February 2021 15:25
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Letter to Mr Salmond

Hi [REDACTED]

I thought I had replied. I think I may have done so in an email dealing with a number of matters.

I have revised the letter further and attach my revised letter.

Best wishes

James Hamilton

On Fri, 5 Feb 2021 at 10:15, <[REDACTED]@gov.scot> wrote:

Hi James,

As discussed yesterday, I have looked back at Mr Salmond's statement to check the dates. He says Mr Aberdeen called him on or around the 9th of March, and told him one name; Mr Salmond says "At that stage I did not know the identity of the other complainer".

He then goes on to say that he had received the Perm Sec letter on the 7th.

I have therefore redrafted your letter to Mr Salmond to try and focus the question on when he was informed of the names.

Best wishes,

[REDACTED]

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Re: Correspondence from Mr Hamilton [UNSCANNED]

From: Alex Salmond [REDACTED]
To: [REDACTED] <[REDACTED]@gov.scot>
Date: Sat, 20 Feb 2021 01:53:57 +0000

Dear [REDACTED]

Happens to me all the time.

Looking at the terms of Mr Hamilton's letter could you also confirm to him that I would like to speak with him by video on my evidence. If it were suitable for Mr Hamilton I would be free on Friday next, 26th February.

Yours for Scotland

ALEX SALMOND

Sent from my iPad

On 19 Feb 2021, at 19:23, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Apologies, I hadn't seen anything come in earlier. I have now checked the obvious things that could have gone wrong, and found that for some bizarre reason your email had gone into my junk mail folder despite our previous correspondence.

Please accept my apologies for this- I will forward your email from this morning to Mr Hamilton now.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 19 February 2021 17:24
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Has this letter crossed with my email?

I sent the answers this morning with a note and two appendices. Could you let me know you have received everything.

Best Wishes

Alex Salmond

Sent from my iPad

On 19 Feb 2021, at 17:18, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 12 February 2021 12:40
To: 'Alex Salmond' [REDACTED]
Subject: RE: Correspondence from Mr Hamilton

Dear Mr Salmond,

Thank you for your response. I have passed this to Mr Hamilton, who is happy that you provide written statements to the supplementary questions. However, if you would like to discuss matters Mr Hamilton would also be happy to arrange a video interview.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 11 February 2021 09:56
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton

Dear [REDACTED]

Thank you for your note. I enclose a reply to Mr Hamilton.

Best Wishes

Alex Salmond

Mr James Hamilton
Independent Adviser on the Scottish Ministerial Code

11th February 2021

Dear Mr Hamilton

Thank you for your letter of 9th February.

If I may I shall reply within a few days when I have the opportunity to consult my notes. In addition, in preparing evidence for the Parliamentary Inquiry, I have come across some further documentary corroboration for points which I have already made.

I will be happy to send you this material along with the answers to your questions and provide a video interview as well if required.

Yours for Scotland

Rt Hon Alex Salmond

Sent from my iPad

On 9 Feb 2021, at 17:03, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

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<Correspondence for Alex Salmond- 9 Feb 2021.docx>

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<Salmond letter Feb 19 2021.docx>

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RE: Follow up to Perm Sec's meeting with James Hamilton

From: [REDACTED]@gov.scot>
To: [REDACTED]@gov.scot>, Bruce A (Andrew) <andrew.bruce@gov.scot>, [REDACTED]@gov.scot>, [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>, [REDACTED]@gov.scot>, Richards N (Nicola) <nicola.richards@gov.scot>, Henderson G (Gavin) <gavin.henderson@gov.scot>, [REDACTED]@gov.scot>
Date: Tue, 09 Feb 2021 16:50:03 +0000
Attachments: Perm Sec Briefing - Bullying Discrimination and Sexual Harassment.docx (19.85 kB)

Hi Andy,

See attached on your last bullet point, with thanks to my colleague, [REDACTED] who I have copied here in case you have any questions. Most of the information comes from PQs or FOIs except for the data on discrimination which hasn't been published anywhere. You'll see that the data for that section only goes back to 2016. PD have earlier data but would need more time to check records if that was needed. For a description of our policies and data, our normal lines are as set out in a recent PQ asked by Alex Cole-Hamilton:

As an employer, the Scottish Government is committed to ensuring the workplace is one where all colleagues are valued and treated with respect and dignity. Our policies and procedures allow managers to deal with concerns about inappropriate behaviour at an early stage and on an informal basis, where appropriate. There is no requirement to report informal action to HR and therefore no information is held centrally about cases that have been dealt with informally.

[REDACTED]

[REDACTED] People Strategy Division | Directorate for People | DG Organisational Development and Operations | Mobile: [REDACTED]

From: [REDACTED]@gov.scot>
Sent: 05 February 2021 12:47
To: Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [REDACTED]@gov.scot>; Hill [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>; Richards N (Nicola) <Nicola.Richards@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>
Subject: RE: Follow up to Perm Sec's meeting with James Hamilton

Andy, here's relevant docs for the first 3 points in your request – I see [REDACTED] is picking up the fourth. These are all links either to our publication of docs provided to the Committee following an FOI, or links to the Parliament's site where they have published docs we've submitted.

Copying to [REDACTED] for docs team awareness.

- * Links to documentation previously sent to the Committee on the development of the procedure, and the Perm Sec's role in this.

Statement on development of Procedure:

[SP+SGHHC1+Phase+1+Written+Statement+19+June+2020.pdf \(www.gov.scot\)](#)

Key docs relevant to Perm Sec's role in development of Procedure (these can be found along with all the other phase 1 docs here [Scottish Government Handling of Harassment Complaints: FOI release - gov.scot \(www.gov.scot\)](#)):

- * YY093 [SP+SGHHC1+YY093+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * YY002 [SP+SGHHC1+YY002+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
- * XX027 [SP+SGHHC1+XX027+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * XX036 [SP+SGHHC1+XX036+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY044 [SP+SGHHC1+YY044+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * XX021 [SP+SGHHC1+XX021+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * XX011 [SP+SGHHC1+XX011+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * XX010 [SP+SGHHC1+XX010+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
- * XX045 [SP+SGHHC1+ XX045 +-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY058 [SP+SGHHC1+YY058+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * XX064 [SP+SGHHC1+XX064+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- * YY004 [SP+SGHHC1+YY004+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY016 [SP+SGHHC1+YY016+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY066 [SP+SGHHC1+YY066+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY085 [SP+SGHHC1+YY085+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
- * YY064 [SP+SGHHC1+YY064+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
- * YY010 [%28Possible+Duplicate%29+SP+SGHHC1+YY010+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * YY011 [SP+SGHHC1+YY011+-+3+-+Redacted+or+Watermarked+version.pdf \(www.gov.scot\)](#)
- * YY012 [SP+SGHHC1+YY012+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- * The letter from Jeremy Heywood to all Perm Sec's asking them to consider if their department's procedures needed updating in the light of the Me Too movement, was also mentioned.

[SP+SGHHC1+YY006+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)

- * Timelines of events relating to the procedure and associated events - particularly in relation to the questions on when arbitration/mediation was raised.

Development of procedure timeline:

[Timeline for Statement 1 - 14 August\(1\).pdf \(parliament.scot\)](#)

Investigation of complaints timeline (this is the most relevant to arbitration/mediation) NB timeline is after the statement:

[SGHHC Further Written Statement Investigation of Complaints - 18 December 2020Redacted.pdf \(parliament.scot\)](#)

Judicial review timeline (this is the last and most detailed JR timeline):

[SP SGHHC - JR - Additional timeline - 26 October 2020 - Watermark version \(JR\).pdf \(parliament.scot\)](#)

Ministerial Code referral timeline:

[SP SGHHC - Ministerial Code timeline - 26 October 2020 - Watermark version \(MC\).pdf \(parliament.scot\)](#)

██████████
Organisational Continuity
Blackberry ██████████

From: Bruce A (Andrew) <Andrew.Bruce@gov.scot>

Sent: 04 February 2021 18:09

To: ██████████ <██████████@gov.scot>; ██████████ <██████████@gov.scot>; ██████████ <██████████@gov.scot>; ██████████ <██████████@gov.scot>

Cc: ██████████ <██████████@gov.scot>; Richards N (Nicola) <Nicola.Richards@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>

Subject: Follow up to Perm Sec's meeting with James Hamilton

██████████

I would be very grateful for your help in identifying documents that Perm Sec agreed to send to James Hamilton following her meeting with him last week as part of his investigation into the FM's self-referral under the Ministerial Code.

I think this is all published / readily available material, so I am really just looking for your help in providing relevant links that I can then send on to ██████████ ██████████ (copied in).

The material requested is as follows:

- * Links to documentation previously sent to the Committee on the development of the procedure, and the Perm Sec's role in this.
- * The letter from Jeremy Heywood to all Perm Sec's asking them to consider if their department's procedures needed updating in the light of the Me Too movement, was also mentioned.
- * Timelines of events relating to the procedure and associated events - particularly in relation to the questions on when arbitration/mediation was raised.

- * It would also be helpful to share statistics on harassment complaints, against both Ministers and civil servants, preferably disaggregated by type of complaint (e.g. bullying, discrimination, sexual allegations etc).

I think the first, second and third points are for OCT (ideally through providing links to material published by the Committee) and the fourth point for People Directorate. For the first point, I wonder whether it would be best to highlight both the statement on the development of the procedure and the associated footnotes that are likely to be of most relevance?

Would it be possible to provide the relevant material for the start of next week?

Many thanks

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government


andrew.bruce@gov.scot

Bullying, Discrimination and Sexual Harassment Statistics

General

The HR People Advice and Wellbeing team utilises a casework tracker in which they record formal cases relating to staff conduct (discipline and Fairness at Work). The tracker was created in 2007 and while some data is available for the period before then, it is less reliable.

Please note that information is not held centrally about complaints which are dealt with locally and on an informal basis.

Bullying

Information about bullying has been published in a recent PQ and also in response to FOI requests.

PQ

PQ S5W-33565 from Alex Cole-Hamilton was published on 11 December 2020 and gives the most recent data:

Alex Cole-Hamilton (Edinburgh Western) (Scottish Liberal Democrats): To ask the Scottish Government how many cases of bullying in its directorates and agencies have been recorded and investigated in each of the last 10 years.

Kate Forbes: As an employer, the Scottish Government is committed to ensuring the workplace is one where all colleagues are valued and treated with respect and dignity. Our policies and procedures allow managers to deal with concerns about bullying at an early stage and on an informal basis, where appropriate. There is no requirement to report informal action to HR and therefore no information is held centrally about cases that have been dealt with informally.

Information about formal cases which have been recorded and investigated is as follows:

Year	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
Number of Formal Cases	5	8	11	9	10	9	Fewer than 5	Fewer than 5	Fewer than 5	Fewer than 5	5

OFFICIAL - SENSITIVE

Note:

This covers staff employed on Scottish Government Main and Scottish Government Marine terms and conditions of employment and senior civil servants. SG Main is made up of the Core Directorates and the following Agencies:

Accountancy in Bankruptcy
Disclosure Scotland
Education Scotland
Scottish Public Pensions Agency
Student Awards Agency for Scotland
Transport Scotland
Social Security Scotland

Since the PQ was published, there have been no additional formal complaints of bullying.

Discrimination

Since 2016* there have been 10 formal complaints of discrimination. These complaints have either been raised through the Fairness at Work policy or by ex-employees through a claim to the Employment Tribunal.

Information about discrimination since 2016 and broken down by year was requested in an FOI from David Raine on 21 February 2020. The FOI response stated 'fewer than 5' cases each year (actual numbers were not disclosed due to the small numbers involved).

* As we've only received 1 FOI about discrimination, the data before 2016 hasn't been assessed.

Sexual Harassment

Since 2007 there have been 15 formal complaints of sexual harassment - 13 of those complaints were against staff members and 2 were against the FFM.

Information about sexual harassment has been published in a PQ and also in response to FOI requests.

PQ

PQ S5W-18396 from Monica Lennon (published on 20 September 2018) asked how many complaints of sexual assault or sexual harassment had been received against Ministers, Special Advisers and staff.

The response to the PQ confirmed that there had been **2 complaints against Ministers and 11 complaints against staff** (since 2007). There had been no complaints against Special Advisers.

FOI

The response to an FOI from Craig Paton (Scottish Political Reporter) in June 2020 confirmed that there had been a further **2 complaints about staff** in the period 20 September 2018 (the date of the Monica Lennon PQ) to 11 June 2020 (the date of the response to his FOI).

An FOI from Scott Forbes on October 2020 confirmed that there had been no further complaints of sexual harassment since the date of the last FOI.

There have been no complaints of sexual harassment since the date of these FOIs.

Complaints are investigated and disciplinary action may result. The disciplinary penalties imposed against staff range from a written warning to dismissal.

The PQ and FOIs also asked for information about sexual assault or rape. The response given in relation to potential criminal matters is that the Scottish Government, as an employer, 'does not make determinations about whether the nature of a complaint constitutes a sexual assault or rape as that is rightly a matter for Police Scotland to determine. We do not therefore have a record of any complaints that have been recorded as sexual assault or rape'.

From: [REDACTED]@gov.scot>
Sent: 09 February 2021 08:49
To: Supplier Prompt Payment [REDACTED]@gov.scot>; [REDACTED]
<[REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: Invoices - Receipted - Case ID: 203976, Agent: THE SCOTTISH GOVERNMENT, Your Ref: , Case: Ministerial Code Referral, Advocate: Douglas Ross Q.C.
Importance: High

Good Morning

The attached invoices have been fully receipted today. The purchase order are:

SG998674 - £1,740.00
SG998676 - £360.00

Many thanks, Suzanne

[REDACTED] I Scottish Government I Cabinet, Parliament and Governance Division I Tel: [REDACTED] I email: [REDACTED]

From: [REDACTED]@gov.scot>
Sent: 29 January 2021 16:25
To: [REDACTED]@gov.scot>
Subject: SG998676 - FW: Case ID: 203976, Agent: THE SCOTTISH GOVERNMENT, Your Ref: , Case: Ministerial Code Referral, Advocate: Douglas Ross Q.C.

Hi [REDACTED],

Would you be able to deal with this invoice for legal advice for Mr Hamilton?

Best wishes,

[REDACTED]
From: [REDACTED]@gov.scot>
Sent: 27 January 2021 10:05
To: Faculty Services Legal [REDACTED]) <[REDACTED]>
Cc: [REDACTED]) <[REDACTED]@gov.scot>
Subject: FW: Case ID: 203976, Agent: THE SCOTTISH GOVERNMENT, Your Ref: , Case: Ministerial Code Referral, Advocate: Douglas Ross Q.C.

[REDACTED]
These invoices and reminders should be going direct to [REDACTED] not SGLD finance

Regards,

[REDACTED]
SG Legal Directorate : Area 1G North, Victoria Quay, Edinburgh, EH6 6QQ
Tel: 0131 244 0546

E-mail: [REDACTED]

I am working from home and can be contacted by email and Skype

From: [REDACTED] <[REDACTED]@advocates.org.uk>

Sent: 27 January 2021 08:38

To: [REDACTED] <[REDACTED]@gov.sco>

Cc: [REDACTED] <[REDACTED]@gov.sco>; SGLD Finance unit <[REDACTED]@gov.scot>

Subject: FW: Case ID: 203976, Agent: THE SCOTTISH GOVERNMENT, Your Ref: , Case: Ministerial Code Referral, Advocate: Douglas Ross Q.C.

Dear [REDACTED],

Re: Ministerial Code Referral

Case ID: 203976

Client Name: Mr James Hamilton

Fee Note No.:INV/DR-R27X152

OVERDUE FEES

The fee(s) listed in the enclosed statement are overdue for payment and we note that in terms of paragraph 7 (9) of the scheme for Accounting for and Recovery of Counsel's Fees, the instructing person has not intimated a reason acceptable to Counsel for delayed payment or non-payment.

Given the current unprecedented circumstances with which we are all contending, Faculty Services are obviously reluctant to place additional financial pressure on solicitors and agents. We would therefore ask that if you are able to provide a reason for non-payment of counsel's fee(s) that you should do so within 21 days of the date of this letter via provision of a brief report outlining the reason(s) and including a proposed timescale for payment or, alternatively, provide an explanation as to why you believe the proposed fee should be withdrawn (paragraph 7(10)) , either of which can then be placed before the Faculty Fees Committee for review along with any representations from the Counsel concerned.

Thereafter, the Committee shall make a recommendation to the Dean of Faculty as to whether, in their view, there is a good reason for non-payment. That recommendation will be intimated to you.

Regrettably, if no such report is received within the 21 days, we will have no choice but to refer the matter directly to the Dean of Faculty in terms of paragraph 7(12) of the Scheme.

Yours faithfully,

[REDACTED]
Credit Controller

E: [REDACTED]

T: [REDACTED]

Dear [REDACTED]

Re: Ministerial Code Referral

Case ID: 203976

Client Name: Mr James Hamilton

Fee Note No.:INV/DR-R27X152

OVERDUE FEES

The fee(s) listed in the enclosed statement are overdue for payment and we note that in terms of paragraph 7 (9) of the scheme for Accounting for and Recovery of Counsel's Fees, the instructing person has not intimated a reason acceptable to Counsel for delayed payment or non-payment.

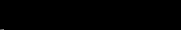
Given the current unprecedented circumstances with which we are all contending, Faculty Services are obviously reluctant to place additional financial pressure on solicitors and agents. We would therefore ask that if you are able to provide a reason for non-payment of counsel's fee(s) that you should do so within 21 days of the date of this letter via provision of a brief report outlining the reason(s) and including a proposed timescale for payment or, alternatively, provide an explanation as to why you believe the proposed fee should be withdrawn (paragraph 7(10)) , either of which can then be placed before the Faculty Fees Committee for review along with any representations from the Counsel concerned.

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Regrettably, if no such report is received within the 21 days, we will have no choice but to refer the matter directly to the Dean of Faculty in terms of paragraph 7(12) of the Scheme.

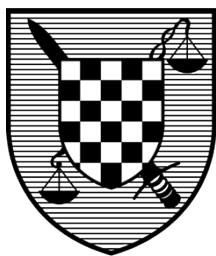
Yours faithfully,


Credit Controller

E: 
T: 

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FEE NOTIFICATION (Proposed Fee)

DX: 557000ED20
THE SCOTTISH GOVERNMENT
SGLD FINANCE UNIT
AREA GB-06
VICTORIA QUAY
EDINBURGH

Date of Issue 28/11/2020
Case ID 203976
Fee Note No. INV/DR-R27X152
P/O Number SG978676

Page 1 of 1

Case Ministerial Code Referral
Client Mr James Hamilton
Payment Deferred No
Contact Name [REDACTED]
Advocate Douglas Ross Q.C.

Case Type CIVIL NON LEGAL AID
Deferment Period No Deferment
Contact Ref
Vat Reg No. 716 8060 37

Date	Description	Amount	Vat%	Vat
28/10/2020	Perusing papers and providing advice in form of detailed e-mail. On first involvement in matter, work including reading up on background. Time engaged - 4.5 hours.	£1,125.00	20.0%	£225.00
04/11/2020	Perusing material provided and providing advice on response to Mr Aberdeen. Work including reviewing terms of reference of Parliamentary Committee. Time engaged - 1 hour 20 minutes.	£325.00	20.0%	£65.00

VAT SUMMARY

20.0% (FEE) Amount: £1,450.00, VAT: £290.00

Total Fees	£1,450.00
Total VAT	£290.00
Total Due	£1,740.00

[Tear-Off]

PAYMENT REMITTANCE - [Payment will be accepted by Cheque, Bank Transfer or Card (excl. Amex)]

Please send payment to:

BACS payment to:

Case ID: 203976

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Parliament House
Edinburgh
EH1 1RF
DX No: ED549302

Fee Note No.: INV/DR-R27X152

Fee Total **£1,740.00**

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Payment Enclosed

Abatement Authorised by:

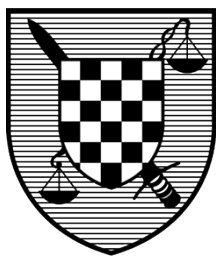
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FEE NOTIFICATION (Proposed Fee)

DX: 557000ED20
THE SCOTTISH GOVERNMENT
SGLD FINANCE UNIT
AREA GB-06
VICTORIA QUAY
EDINBURGH

Date of Issue 30/01/2021
Case ID 203976
Fee Note No. INV/DR-R27X186

P/O Number

SG97

8676 Page

1 of 1

Case Ministerial Code Referral
Client Mr James Hamilton
Payment Deferred No
Contact Name [REDACTED]
Advocate Douglas Ross Q.C.

Case Type CIVIL NON LEGAL AID
Deferment Period No Deferment
Contact Ref
Vat Reg No. 716 8060 37

Date	Description	Amount	Vat%	Vat
26/01/2021	Perusing and considering draft questions and related papers. Providing comments thereon. Time engaged - 1 hour 15 minutes.	£300.00	20.0%	£60.00

VAT SUMMARY

20.0% (FEE) Amount: £300.00, VAT: £60.00

Total Fees	£300.00
Total VAT	£60.00
Total Due	£360.00

[Tear-Off]

PAYMENT REMITTANCE - [Payment will be accepted by Cheque, Bank Transfer or Card (excl. Amex)]

Please send payment to:

BACS payment to:

Case ID: 203976

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DX No: ED549302

Fee Note No.: INV/DR-R27X186

Fee Total **£360.00**

LESS Abatements

Payment Enclosed

Abatement Authorised by:

The VAT date for this supply is the date of payment – not the date of issue. In the event that this fee notification is challenged please return stating your reasons. When making payment please quote the Fee Note No. - a receipt will be sent by return.

Judicial review- views of counsel

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Tue, 09 Feb 2021 14:08:48 +0000

Hi James,

I've found the reference to counsel potentially resigning- it's right at the end of Annex A in this link.

[DGODO Report \(redacted\).pdf \(parliament.scot\)](#)

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 09 February 2021 12:42
To: James Hamilton [REDACTED]
Subject: FW: Mr Hamilton- short supplementary question

Response from Liz Lloyd on a couple of supplementary questions.

From: Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>
Sent: 09 February 2021 11:43
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Mr Hamilton- short supplementary question

[REDACTED]

Responses below – let me know if you need more

Thanks

Liz

Elizabeth Lloyd
Chief of Staff to the First Minister

St Andrew's House
Regent Road
Edinburgh EH1 3DG
Tel: [REDACTED]
Mobile: [REDACTED]
Elizabeth.Lloyd@gov.scot

Please note Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot for information.

From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 08 February 2021 17:50
To: Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>
Subject: Mr Hamilton- short supplementary question

Dear Liz,

Thank you for the information you provided last week. I have nearly finished transcribing the interview and should be able to share the transcript tomorrow.

Mr Hamilton has a couple of very minor supplementary questions he has asked me to pass on, as set out below.

[REDACTED]

[REDACTED]

Would it be possible to provide short answers on these this week?

Happy to discuss.

Best wishes,

[REDACTED]

From: [REDACTED]

Sent: 09 February 2021 13:47

To: James Hamilton [REDACTED]

Subject: Spectator- published version of Salmond submission

Hi James,

As discussed, please see link to the version of Salmond's submission [REDACTED]
[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Sent: 09 February 2021 17:37
To: [REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Mr Hamilton Interview- follow up

[REDACTED]

Following Mr Hamilton's interview with the Permanent Secretary on 27 January, you highlighted a number of points where it was agreed additional material would be provided. As agreed, where possible I have provided links to material provided to the Committee on the Scottish Government's Handling of Harassment Complaints.

- **Links to documentation previously sent to the Committee on the development of the procedure, and the Perm Sec's role in this.**

Statement on development of Procedure:

[SP+SGHHC1+Phase+1+Written+Statement+19+June+2020.pdf \(www.gov.scot\)](#)

Key docs relevant to Perm Sec's role in development of Procedure (these can be found along with all the other phase 1 docs here [Scottish Government Handling of Harassment Complaints: FOI release - gov.scot \(www.gov.scot\)](#)):

- YY093 [SP+SGHHC1+YY093+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- YY002 [SP+SGHHC1+YY002+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
- XX027 [SP+SGHHC1+XX027+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- XX036 [SP+SGHHC1+XX036+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- YY044 [SP+SGHHC1+YY044+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- XX021 [SP+SGHHC1+XX021+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- XX011 [SP+SGHHC1+XX011+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- XX010 [SP+SGHHC1+XX010+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
- XX045 [SP+SGHHC1+ XX045 +-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- YY058 [SP+SGHHC1+YY058+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- XX064 [SP+SGHHC1+XX064+-+3+-+Redacted+or+Watermarked+Version.pdf \(www.gov.scot\)](#)
- YY004 [SP+SGHHC1+YY004+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)

- YY016 [SP+SGHHC1+YY016+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
 - YY066 [SP+SGHHC1+YY066+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
 - YY085 [SP+SGHHC1+YY085+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
 - YY064 [SP+SGHHC1+YY064+-+3+-+Redacted+or+Watermark+Version.pdf \(www.gov.scot\)](#)
 - YY010 [%28Possible+Duplicate%29+SP+SGHHC1+YY010+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
 - YY011 [SP+SGHHC1+YY011+-+3+-+Redacted+or+Watermarked+version.pdf \(www.gov.scot\)](#)
 - YY012 [SP+SGHHC1+YY012+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)
- **The letter from Jeremy Heywood to all Perm Sec's asking them to consider if their department's procedures needed updating in the light of the Me Too movement, was also mentioned.**

[SP+SGHHC1+YY006+-+3+-+Redacted+or+Watermark+version.pdf \(www.gov.scot\)](#)

- **Timelines of events relating to the procedure and associated events - particularly in relation to the questions on when arbitration/mediation was raised.**

Development of procedure timeline:

[Timeline for Statement 1 - 14 August\(1\).pdf \(parliament.scot\)](#)

Investigation of complaints timeline (this is the most relevant to arbitration/mediation)
NB timeline is after the statement:

[SGHHC Further Written Statement Investigation of Complaints - 18 December 2020Redacted.pdf \(parliament.scot\)](#)

Judicial review timeline (this is the last and most detailed JR timeline):

[SP SGHHC - JR - Additional timeline - 26 October 2020 - Watermark version \(JR\).pdf \(parliament.scot\)](#)

Ministerial Code referral timeline:

[SP SGHHC - Ministerial Code timeline - 26 October 2020 - Watermark version \(MC\).pdf \(parliament.scot\)](#)

- **Statistics on harassment complaints, against both Ministers and civil servants, preferably disaggregated by type of complaint (e.g. bullying, discrimination, sexual allegations etc)**

The information requested here is set out in the attached document provided by the SG's People Directorate. This document also highlights how this data has been made public – either through FOIs or PQs.

- **Views on any possible updates to the Ministerial Code**

Mr Hamilton also asked the Permanent Secretary about possible revisions to the Ministerial Code. The content of the Code is, of course, a matter for the First Minister rather than the Permanent Secretary. As is standard practice, the First Minister appointed by Parliament after the May Election will be expected to publish a new edition of the Ministerial Code early in the new Parliamentary term. This would provide an opportunity for the First Minister to consider incorporating any changes Mr Hamilton may recommend in his report.

I hope this covers everything but please let me know if any further material is required.

Thanks

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government



andrew.bruce@gov.scot

From: [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Sent: 27 January 2021 15:58
To: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Subject: Mr Hamilton Interview- follow up

Hi Andy,

As discussed, please see attached list of questions.

I should be able to provide a full list of actions once I have reviewed the recording, but here is a list of what I noted down.

- In the discussion, it was suggested that documentation previously sent to the Committee on the development of the procedure, and the Perm Sec's role in this, could be shared with Mr Hamilton. A letter from Jeremy Heywood to all Perm Sec's asking them to consider if their department's procedures needed updating in the light of the Me Too movement, was also mentioned. As ever, links to where material has been provided to the Committee and published by them are fine.
- It would also be helpful to share statistics on harassment complaints, against both Ministers and civil servants, preferably disaggregated by type of complaint (e.g. bullying, discrimination, sexual allegations etc).

- Timelines of events relating to the procedure and associated events were also mentioned as something that could be provided- this was in relation to the questions on when arbitration/mediation was discussed.
- Finally, the Perm Sec said she would consider the question on possible updates to the Ministerial Code and provide a written response.

Happy to discuss.

Best wishes,

A solid black rectangular box used to redact a signature.

Bullying, Discrimination and Sexual Harassment Statistics

General

The HR People Advice and Wellbeing team utilises a casework tracker in which they record formal cases relating to staff conduct (discipline and Fairness at Work). The tracker was created in 2007 and while some data is available for the period before then, it is less reliable.

Please note that information is not held centrally about complaints which are dealt with locally and on an informal basis.

Bullying

Information about bullying has been published in a recent PQ and also in response to FOI requests.

PQ

PQ S5W-33565 from Alex Cole-Hamilton was published on 11 December 2020 and gives the most recent data:

Alex Cole-Hamilton (Edinburgh Western) (Scottish Liberal Democrats): To ask the Scottish Government how many cases of bullying in its directorates and agencies have been recorded and investigated in each of the last 10 years.

Kate Forbes: As an employer, the Scottish Government is committed to ensuring the workplace is one where all colleagues are valued and treated with respect and dignity. Our policies and procedures allow managers to deal with concerns about bullying at an early stage and on an informal basis, where appropriate. There is no requirement to report informal action to HR and therefore no information is held centrally about cases that have been dealt with informally.

Information about formal cases which have been recorded and investigated is as follows:

Year	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
Number of Formal Cases	5	8	11	9	10	9	Fewer than 5	Fewer than 5	Fewer than 5	Fewer than 5	5

Note:

This covers staff employed on Scottish Government Main and Scottish Government Marine terms and conditions of employment and senior civil servants. SG Main is made up of the Core Directorates and the following Agencies:

Accountancy in Bankruptcy
Disclosure Scotland
Education Scotland
Scottish Public Pensions Agency
Student Awards Agency for Scotland
Transport Scotland
Social Security Scotland

Since the PQ was published, there have been no additional formal complaints of bullying.

Discrimination

Since 2016* there have been 10 formal complaints of discrimination. These complaints have either been raised through the Fairness at Work policy or by ex-employees through a claim to the Employment Tribunal.

Information about discrimination since 2016 and broken down by year was requested in an FOI from David Raine on 21 February 2020. The FOI response stated 'fewer than 5' cases each year (actual numbers were not disclosed due to the small numbers involved).

* As we've only received 1 FOI about discrimination, the data before 2016 hasn't been assessed.

Sexual Harassment

Since 2007 there have been 15 formal complaints of sexual harassment - 13 of those complaints were against staff members and 2 were against the FFM.

Information about sexual harassment has been published in a PQ and also in response to FOI requests.

PQ

PQ S5W-18396 from Monica Lennon (published on 20 September 2018) asked how many complaints of sexual assault or sexual harassment had been received against Ministers, Special Advisers and staff.

The response to the PQ confirmed that there had been **2 complaints against Ministers and 11 complaints against staff** (since 2007). There had been no complaints against Special Advisers.

FOI

The response to an FOI from Craig Paton (Scottish Political Reporter) in June 2020 confirmed that there had been a further **2 complaints about staff** in the period 20 September 2018 (the date of the Monica Lennon PQ) to 11 June 2020 (the date of the response to his FOI).

An FOI from Scott Forbes on October 2020 confirmed that there had been no further complaints of sexual harassment since the date of the last FOI.

There have been no complaints of sexual harassment since the date of these FOIs.

Complaints are investigated and disciplinary action may result. The disciplinary penalties imposed against staff range from a written warning to dismissal.

The PQ and FOIs also asked for information about sexual assault or rape. The response given in relation to potential criminal matters is that the Scottish Government, as an employer, 'does not make determinations about whether the nature of a complaint constitutes a sexual assault or rape as that is rightly a matter for Police Scotland to determine. We do not therefore have a record of any complaints that have been recorded as sexual assault or rape'.

From: Douglas Ross [REDACTED]
Sent: 10 February 2021 14:49
To: [REDACTED]@gov.scot>
Subject: RE: Ministerial Code- final report

[REDACTED]

I have reasonably good availability next week and the early part of the following week. [REDACTED]

Regards

Douglas
Douglas Ross QC Ampersand Advocates

phone: 07739 639257
web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED]@gov.scot>
Sent: 10 February 2021 12:03
To: Douglas Ross [REDACTED]
Subject: Ministerial Code- final report

Hi Douglas,

Hope you are well. [REDACTED]

[REDACTED]

[REDACTED]

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From: James Hamilton [REDACTED]
Sent: 11 February 2021 13:01
To: [REDACTED]@gov.scot>
Subject: Re: Extract from draft report re Edinburgh Airport incident.

2.00 pm is fine.

On Thu 11 Feb 2021 at 12:40 <[REDACTED]@gov.scot> wrote:
Hi James,

Thanks for sending this. [REDACTED]

A couple of things occurred to me- do we need to let the FM know in advance we intend to share part of the interview with Mr Salmond? Also, would it be worth collating all the points we might expect Mr Salmond to want to reply to and putting them to him in one letter? This could have the disadvantage of taking longer though.

Would a phone call at 2 be ok?

Best wishes,

[REDACTED]

From: James Hamilton [REDACTED]
Sent: 11 February 2021 10:37
To: [REDACTED]@gov.scot>
Subject: Extract from draft report re Edinburgh Airport incident.

Dear [REDACTED]

I attach a short extract from the draft report setting out the circumstances in which the FM says she first became concerned about Mr Salmond.

Obviously I cannot use this without giving Mr Salmond an opportunity to comment.

I attach a draft letter to Mr Salmond to this effect.

I am in two minds whether to use this extract or to try to summarise it. But I think a summary would largely lose the flavour of what she said. Assuming Mr Salmond denies her allegation I would propose simply to record that fact without making any finding as it is not part of my remit to enquire into his conduct. The relevance is that it shows the First Minister's thinking after November 2017 which seems to me quite important.

[REDACTED]

A phone call might be useful.

Best wishes

James

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From: James Hamilton [REDACTED]
Sent: 11 February 2021 10:37
To: [REDACTED]
Subject: Extract from draft report re Edinburgh Airport incident.

Dear [REDACTED]

I attach a short extract from the draft report setting out the circumstances in which the FM says she first became concerned about Mr Salmond.

Obviously I cannot use this without giving Mr Salmond an opportunity to comment.

I attach a draft letter to Mr Salmond to this effect.

[REDACTED]

[REDACTED]

A phone call might be useful.

Best wishes

James

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Re: FOI- proposed release of correspondence

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Thu, 11 Feb 2021 20:03:33 +0000

Many thanks for this.

On Thu 11 Feb 2021 at 18:13 <[REDACTED]@gov.scot> wrote:

Hi James,

I wanted to let you know that the Scottish Government has received two FOIs concerning the investigation you are conducting.

In response to one of them, the Scottish Government has identified various pieces of correspondence between you and James Hynd concerning the remit of the investigation. I have attached a version of the information, marked up with the exemptions SG intends to apply. This will ensure that your personal information, and any information concerning aspects of the investigation that are still ongoing, are redacted from the response.

The response is likely to issue on Monday.

Best wishes,

[REDACTED]

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From: [REDACTED]
Sent: 11 February 2021 17:41
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: Correspondence with Mr Salmond

Hi Douglas,

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Re: Correspondence from Mr Hamilton

From: Alex Salmond [REDACTED]
To: [REDACTED]@gov.scot>
Date: Thu, 11 Feb 2021 09:56:08 +0000

Dear [REDACTED]

Thank you for your note. I enclose a reply to Mr Hamilton.

Best Wishes

Alex Salmond

Mr James Hamilton
Independent Adviser on the Scottish Ministerial Code

11th February 2021

Dear Mr Hamilton

Thank you for your letter of 9th February.

If I may I shall reply within a few days when I have the opportunity to consult my notes. In addition, in preparing evidence for the Parliamentary Inquiry, I have come across some further documentary corroboration for points which I have already made.

I will be happy to send you this material along with the answers to your questions and provide a video interview as well if required.

Yours for Scotland

Rt Hon Alex Salmond

Sent from my iPad

On 9 Feb 2021, at 17:03, [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

*

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*

<Correspondence for Alex Salmond- 9 Feb 2021.docx>

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FW: Correspondence from Mr Hamilton

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Thu, 11 Feb 2021 11:35:31 +0000

Hi James,

Mr Salmond has replied to the 9th Feb letter, as forwarded below.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 11 February 2021 09:56
To: [REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton

Dear [REDACTED]

Thank you for your note. I enclose a reply to Mr Hamilton.

Best Wishes

Alex Salmond

Mr James Hamilton
Independent Adviser on the Scottish Ministerial Code

11th February 2021

Dear Mr Hamilton

Thank you for your letter of 9th February.

If I may I shall reply within a few days when I have the opportunity to consult my notes. In addition, in preparing evidence for the Parliamentary Inquiry, I have come across some further documentary corroboration for points which I have already made.

I will be happy to send you this material along with the answers to your questions and provide a video interview as well if required.

Yours for Scotland

Rt Hon Alex Salmond

Sent from my iPad

On 9 Feb 2021, at 17:03, [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

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<Correspondence for Alex Salmond- 9 Feb 2021.docx>

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For more information please visit <http://www.symanteccloud.com>

From: [REDACTED]
Sent: 11 February 2021 18:13
To: James Hamilton <[REDACTED]>
Subject: FOI- proposed release of correspondence

Hi James,

I wanted to let you know that the Scottish Government has received two FOIs concerning the investigation you are conducting.

In response to one of them, the Scottish Government has identified various pieces of correspondence between you and James Hynd concerning the remit of the investigation. I have attached a version of the information, marked up with the exemptions SG intends to apply. This will ensure that your personal information, and any information concerning aspects of the investigation that are still ongoing, are redacted from the response.

The response is likely to issue on Monday.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot>

Sent: Sun 13/01/2019 13:17

To: [REDACTED]; [REDACTED]

CC: Hynd JS (James) <James.Hynd@gov.scot>

Subject: IN CONFIDENCE: Scottish Ministerial Code: Referral to Independent Advisers

The Rt Hon Dame Elish Angiolini DBE QC
James Hamilton

Copy to : James Hynd, Head of Cabinet Secretariat, Scottish Government

Dame Elish,
James,

I am writing to you on behalf of my colleague, James Hynd, Head of Cabinet Secretariat in the Scottish Government, to alert you to the fact that the First Minister, Rt Hon Nicola Sturgeon MSP, has decided to make a referral to the independent advisers on the Ministerial Code.

I am sending you (in box below) the text of the First Minister's planned statement, which she is due to issue early this afternoon.

The proposed remit for the referral is still being finalised, but it will be sent to you as soon as possible.

James will be in touch tomorrow (Monday) to discuss your potential availability. I understand that he has already spoken briefly to James Hamilton.

Please do not hesitate to contact James Hynd or myself if we can be of any assistance in the meantime.

With kind regards,

[REDACTED]

Ministerial Code: Referral to Independent Advisers

First Minister Nicola Sturgeon has today confirmed that she will make a referral to the panel of independent advisers on the Ministerial Code.

Confirming the referral, the First Minister said:

"It is in the interests of the women who have complained that the ongoing police investigations are allowed to continue without any risk of prejudice. That must be the priority for everyone.

"Questions have been raised about my meetings and telephone calls with Alex Salmond during the Government's investigation into the complaints which were made.

"I have acted appropriately and in good faith throughout, and in compliance with the Ministerial Code at all times. However, I have reflected carefully and understand that it is also important for Parliament and the wider public to be assured of that.

"I have therefore decided to refer the matter for consideration by one or both of the Independent Advisers on the Ministerial Code.

"The Independent Advisers will now be consulted on their precise remit, and advice will also be sought on how to ensure that there is no risk of prejudice to the ongoing police investigation. The remit will be published in due course.

"The fact remains that at the centre of this issue are two women whose complaints could not be swept under the carpet. Any continuing commentary about these issues at this stage – whether from myself, the Government or Mr Salmond and his representatives – would only serve to distract from and potentially compromise the proper consideration by the police of the subject matter of their investigations. That is something we will not do."

[REDACTED] | Cabinet Secretariat | Scottish Government | T [REDACTED] | M
[REDACTED] | Room 4N.02, St Andrew's House, 1 Regent Road, Edinburgh EH1
3DG

From: Hynd JS (James)
Sent: 23 January 2019 10:01
To: 'James Hamilton' <[REDACTED]>
Subject: Ministerial Code Referral

Dear Mr Hamilton

As discussed, please find attached a letter concerning the referral under the Ministerial Code. Also attached is a copy of the near-final remit for the referral, along with the text of the First Minister's statement announcing her decision to self-refer herself to the Independent Advisers.

I look forward to receiving your views on this material.

With best wishes

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Scottish Government
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

Ministerial Code: Referral to Independent Advisers

First Minister Nicola Sturgeon has today confirmed that she will make a referral to the panel of independent advisers on the Ministerial Code.

Confirming the referral, the First Minister said:

“It is in the interests of the women who have complained that the ongoing police investigations are allowed to continue without any risk of prejudice. That must be the priority for everyone.

“Questions have been raised about my meetings and telephone calls with Alex Salmond during the Government’s investigation into the complaints which were made.

“I have acted appropriately and in good faith throughout, and in compliance with the Ministerial Code at all times. However, I have reflected carefully and understand that it is also important for Parliament and the wider public to be assured of that.

“I have therefore decided to refer the matter for consideration by one or both of the Independent Advisers on the Ministerial Code.

“The Independent Advisers will now be consulted on their precise remit, and advice will also be sought on how to ensure that there is no risk of prejudice to the ongoing police investigation. The remit will be published in due course.

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Constitution and Cabinet Directorate abcd
Cabinet, Parliament and Governance
Division

T: [REDACTED]
E: james.hynd@gov.scot
James Hamilton
[REDACTED]

23 January 2019

Dear Mr Hamilton

SCOTTISH MINISTERIAL CODE: REFERRAL

I writing to you in connection with the First Minister's decision to refer herself to the Independent Advisers on the Ministerial Code. I re-attach a copy of the First Minister's statement to that effect.

As set out in her statement, the First Minister indicated that advice would be sought from the Independent Advisers on the terms of the remit. At the same time, she also noted that advice would be sought on how to ensure that there would be no risk of prejudice to the ongoing police investigation. We are still in the process of seeking advice on that latter point from the appropriate authorities.

Subject to the receipt of that advice, I am passing to you the current draft remit for your consideration at this time. We may, of course, need to adjust the remit to reflect the advice noted above, as well as taking into account your own views.

As I think you will also be aware, Dame Elish Angiolini has recused herself from involvement in this referral as she is already undertaking a policy review on behalf of Scottish Ministers.

Please let me know if it would be helpful to discuss the draft remit, or any other aspect of the referral.

Yours Sincerely

James Hynd

Ministerial Code: Remit for Independent Adviser

Background

It has been alleged that the First Minister breached the Scottish Ministerial Code in that she failed to feed back the basic facts of meetings and discussions held with Alex Salmond to her private office as required by sections 4.22 and 4.23 of the Code. The meetings and discussions in question took place on:

- 2 April 2018 - Meeting between Ms Sturgeon and Mr Salmond at Ms Sturgeon's home.
- 23 April 2018 - Telephone conversation between Ms Sturgeon and Mr Salmond.
- 7 June 2018 - Meeting between Ms Sturgeon and Mr Salmond at SNP Conference, Aberdeen.
- 14 July 2018 - Meeting between Ms Sturgeon and Mr Salmond at Ms Sturgeon's home.
- 18 July 2018 - Telephone conversation between Ms Sturgeon and Mr Salmond.

It has been further suggested that, in light of those meetings, the First Minister may have attempted to influence the conduct of the investigation then being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure for Handling of Harassment Complaints involving Current or Former Ministers ("the Procedure").

Scottish Ministerial Code

The key relevant extracts from the Code are:

1.6. Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Ministerial Code and for justifying their actions to Parliament and the public. The First Minister is, however, the ultimate judge of the standards of behaviour expected of a Minister and of the appropriate consequences of a breach of those standards. Although the First Minister will not expect to comment on every matter which could conceivably be brought to his or her attention, Ministers can only remain in office for so long as they retain the First Minister's confidence.

1.7. Where he or she deems it appropriate, the First Minister may refer matters to the independent advisers on the Ministerial Code to provide him or her with advice on which to base his or her judgement about any action required in respect of Ministerial conduct. The findings of the independent advisers will be published.

Contacts with External Individuals and Organisations, including Outside Interest Groups and Lobbyists

4.22 Ministers meet many people and organisations and consider a wide range of views as part of the formulation of Government policy. Meetings on official business should normally be arranged through Private Offices. A private secretary or official should be present for all discussions relating to Government business. Private Offices should arrange for the basic facts of formal meetings between Ministers and outside interest groups to be recorded, setting out the reasons for the meeting, the names of those attending and the interests represented. A monthly list of engagements carried out by all Ministers is published three months in arrears.

4.23 If Ministers meet external organisations or individuals and find themselves discussing official business without an official present – for example at a party conference, social occasion or on holiday – any significant content (such as substantive issues relating to Government decisions or contracts) should be passed back to their Private Offices as soon as possible after the event, who should arrange for the basic facts of such meetings to be recorded in accordance with paragraph 4.22 above.

The First Minister has, accordingly, referred the matter for consideration by one or both Independent Advisers for advice on which to base her judgement about any action required in accordance with the Code.

Remit

The remit for the referral is to:

1. Review any relevant documentation relating to the meetings and discussions listed above.
2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.
3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.
4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.
5. Provide the First Minister with a report setting out the findings and conclusions with regard to:
 - i. whether the Ministerial Code is engaged regarding the meetings and discussions;
 - ii. whether there has been any breach of the Code and the nature of any such breach; and
 - iii. if a breach has occurred, advice on the appropriate remedy or sanction.
6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.

Timing

The Independent Adviser is invited to commence the investigation and submit a report as soon as possible.

Publication

The terms of this remit and appointment letter will be published.

The final report will be published. If required in order to avoid any risk of impacting on, or prejudicing, the police investigations or any criminal proceedings, a report may be published with any redactions thought necessary by the Independent Advisers. If redactions are required for legal reasons, a full, un-redacted version of the report will be published following the conclusion of any criminal proceedings, including any appeal, reflecting any legal reporting restrictions that are applied.

Payment

Appointment as an Independent Adviser does not attract payment. Reasonable travel and subsistence costs will be paid in line with normal Civil Service rules.

Secretariat

The Scottish Government will provide secretariat support as required.

Scottish Government
January 2019

From: James Hamilton <[REDACTED]>
Sent: 30 January 2019 19:08
To: Hynd JS (James) <James.Hynd@gov.scot>
Subject: Re: Ministerial Code Referral

Dear Mr Hynd,

Thank you for your letter dated 30 January 2019 sent by email.

I should begin by making it clear that, as you are aware, I cannot and do not purport to give legal advice to the Scottish Government as I am not a person qualified in Scottish law. My professional experience was as a former practitioner at the Bar of Ireland, subsequently as a legal adviser in the Office of the Attorney General of Ireland where I was permanent head of office for over four years followed by just over twelve years as Director of Public Prosecutions of Ireland.

I note that the Crown Agent of Scotland could not provide any reassurance that there would be no risk of prejudice to the fairness of the criminal investigation (now a prosecution) were the investigation by the Independent Advisers to proceed in the terms of the draft remit. I have no reason whatsoever to disagree with that assessment. As well as being a very senior Scots lawyer the Crown Agent is no doubt aware of the case the prosecution intends to present. I have no such knowledge. No investigation into the alleged criminal offences with which the former First Minister is now charged will, of course, form any part of the draft remit given to the Independent Advisers and such issues are exclusively for the prosecutors, the police and ultimately the courts of Scotland.

The scope of the remit given to Independent Advisers to advise on alleged breaches of the Ministerial Code is entirely a matter for the First Minister to determine. With regard to the possibility of minimising any risk to the integrity of the criminal prosecution it seems from my admittedly very limited knowledge on the facts of the case at this stage that the two matters likely to present the greatest potential risk of interference with the criminal prosecution are, firstly, the allegation that the First Minister failed to report discussions she had with her predecessor, in which the substance and the character of those discussions is likely to be important, and secondly, the suggestion that the First Minister attempted to interfere with the Scottish Government's own enquiry into allegations of harassment, allegations which may overlap with or be related to the allegations which are now the subject-matter of criminal charges.

That is not to say that consideration of these two issues by the Independent Advisers would definitely lead to prejudice, but that there is a risk. That risk could be mitigated by postponing publication of the Independent Advisers' report, but perhaps not altogether eliminated. These two matters appear to be at the core of the proposed remit and without enquiring into them there would seem to be little or no basis on which the Independent Advisers could advise whether the Ministerial Code was breached.

I therefore concur with the conclusion that reducing the scope of the remit would unduly restrict the Independent Advisers' ability to investigate fully the questions of conduct that have been raised.

In conclusion I think there would be a substantial risk either that an attempt to conduct an enquiry while criminal proceedings are in being could create a risk of prejudice, or else, resulting from attempts to avoid such an outcome, lead to an inconclusive result. A further consideration is that the Independent Advisers have no power to compel witnesses and one has to wonder whether persons involved in the forthcoming criminal trial would be willing to cooperate with the Independent Advisers in advance of that trial.

For these reason I believe that the wiser and the proper course of action is to defer the referral of possible breaches of the Ministerial Code until after the conclusion of criminal proceedings.

Yours sincerely,

James Hamilton
Independent Adviser on the Scottish Ministerial Code

Constitution and Cabinet Directorate abcd
Cabinet, Parliament and Governance
Division

T: [REDACTED]
E: james.hynd@gov.scot
James Hamilton
[REDACTED]

30 January 2019

Dear Mr Hamilton

SCOTTISH MINISTERIAL CODE: REFERRAL

I am writing in relation to the First Minister's decision to refer herself to the Independent Advisers on the Ministerial Code.

As you are aware, a key consideration in taking the referral forward has been to ensure that there would be no risk of prejudice to the ongoing police investigation. Last week's developments, in terms of an arrest and charges, have made that consideration particularly acute. The laying of those charges brings into effect the protections under the Contempt of Court Act 1981.

The Crown Agent has not provided us with legal advice on the matter. However, nor could he provide us with any reassurance that there would be no risk of prejudice to the fairness of the criminal investigation were the Independent Advisers to proceed with an investigation in terms of the draft remit I previously sent you, and which I attach again to this letter.

In light of that view, we have considered whether it might be possible to revise the remit to minimise any possible risk to the criminal investigation. We have concluded that reducing the scope of the remit would unduly restrict the ability of the Independent Advisers to investigate fully the questions of conduct that have been raised. Neither could we be sure that even a restricted remit would not have the potential to interfere with the criminal proceedings in some way. We therefore need to balance the public interest in proceeding with a referral that was broad enough to address fully the concerns that have been raised, with that of ensuring that there is no risk of prejudice to the fairness of the criminal investigation.

To inform that consideration, it would be helpful to have your views on whether you think you would be able proceed on the basis of the remit as set out while the criminal investigation was under way, or if another course of action, such as deferring the Ministerial Code referral while there are active criminal proceedings, would be more appropriate in these circumstances.

Please let me know if it would be helpful to discuss these issues further

Yours Sincerely

James Hynd

From: Hynd JS (James)
Sent: 30 January 2019 20:08
To: 'James Hamilton' <[REDACTED]>
Subject: RE: Ministerial Code Referral

Dear Mr Hamilton

I am writing to acknowledge, with thanks, your email below. The contents will be given very careful attention. I will revert to you as soon as I can.

Best wishes

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

From: Hynd JS (James)

Sent: 31 January 2019 10:10

To: 'James Hamilton' [REDACTED]; 'Elish Angiolini'

[REDACTED]

Subject: Ministerial Code Referral

Dear Mr Hamilton and Dame Elish

You will wish to be aware that Scottish Ministers will this morning announce that neither the First Minister's self-referral under the Scottish Ministerial Code, nor the separate internal review into the Scottish Government's handling of the investigation into the former First Minister Alex Salmond, will be progressed while there are active criminal proceedings.

I attach below the text of the written Parliamentary answer which will shortly be given to the Scottish Parliament by the Deputy First Minister. I should be grateful if you would respect the confidentiality until such time as the answer is published, which should be very soon.

The Scottish Government has arrived at this decision in order to ensure that there is no activity undertaken which may unintentionally prejudice live criminal proceedings, adversely impact the rights of anyone involved in the proceedings or affect the formal criminal process which is now under way.

In addition, for those reasons, we are not currently planning to publish the remit for the Ministerial Code referral that I had previously shared with you.

If you are approached by the media for any comments, may I suggest that you simply refer all enquiries to today's statement. Any further media enquiries can be referred to me and I will pass these on to the appropriate SG Comms officer.

When criminal proceedings are no longer active, we will revert to you about the arrangements for commencing the referral and agreeing the final remit.

In the meantime, many thanks indeed for all assistance in this matter.

Text of Parliamentary Question and Answer

Q: To ask the Scottish Government for an update on the review of its procedure for handling complaints about Ministers or former Ministers and the First Minister's self-referral under the Ministerial code?

A: The Scottish Government is committed to carrying out a review of the application of its procedure for handling complaints about Ministers or former Ministers. The review will be externally led and will examine the first application of the procedure to ensure that lessons are applied for any future complaints that are brought forward.

However, the Scottish Government does not wish to undertake any activity which may unintentionally prejudice live criminal proceedings, adversely impact the rights of anyone involved in the proceedings or affect the formal criminal process which is

now under way. As a result, this review of its procedure for handling complaints about Ministers or former Ministers will not be progressed at this stage.

The First Minister's self-referral under the Ministerial Code has been discussed with James Hamilton, the Independent Adviser on the Code. Mr Hamilton has concluded that there is a potential risk of prejudice if the First Minister's self-referral under the Ministerial Code were to proceed at the present time. It has therefore been agreed that the inquiry under the Ministerial Code should also be deferred while criminal investigations are active.

Both the Scottish Government Review and consideration under the Ministerial Code will re-commence once criminal proceedings are no longer active and the risk of prejudice has been removed.

With Regards

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Scottish Government
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

From: Hynd JS (James) <James.Hynd@gov.scot>
Sent: Sat 25/07/2020 20:49
To: James Hamilton <[REDACTED]>
Subject: Ministerial Code Referral

Dear Mr Hamilton

I am writing simply acknowledge receipt of your email.

I will pick up these various point and respond to you as soon as I can.

With best wishes

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

From: James Hamilton <[REDACTED]>
Sent: 25 July 2020 13:13
To: Hynd JS (James) <James.Hynd@gov.scot>
Subject: Ministerial Code Referral

Dear Mr Hynd

Since we last spoke I have given some thought to how to proceed. I have come to the conclusion that the best course of action is to press ahead now with the task I have accepted notwithstanding the parliamentary committee's intention to issue its own report.. It is quite true that the scope of the parliamentary inquiry is broad and expressly includes the matter which I have been asked to report on under the referral procedure provided for in the Ministerial Code. However, the referral procedure is intended to produce an independent expert assessment whereas the parliamentary inquiry is likely to produce a more political result. Having undertaken the task I would be loathe to walk away from it notwithstanding the obvious difficulties.

At this stage, therefore, it is necessary to settle the terms of the remit. I was content with the draft provided in your letter and email of 30 January and I suggest that it be formally adopted by the First Minister.

It will be necessary to appoint somebody to act as secretary/ administrator /organiser to the referral procedure. This will need to be done as soon as possible as I would wish to respond to the request from the Parliament preferably before their proposed

deadline of 4 August which is now just over a week away. At the very least the letter needs to be acknowledged before that date.

I would like to see some of the recent opinions given under the referral procedure to get some sense of the "house style". Are they available on a website? I assume Ms Fabiani has correctly stated the position that it has been the practice to annex evidence given to previous referrals to the independent panellist's report when issued. If so I would propose if possible to follow this practice and would now so inform the parliamentary committee. I would also propose to point out to the committee that I do not have any evidence at present concerning the matters they are asked to inquire into and will not have any such evidence other than what will be made publicly available in my report. I will suggest that in these circumstances it will not be appropriate that I should be asked to give evidence before the committee. I think this reply should be issued through the secretary to the referral as I do not think I should respond directly to the parliamentary committee using my personal email.

Finally, having had the opportunity to discuss the procedures adopted in previous referrals with Dame Elish Angiolini she has informed me that it has been a usual practice to appoint a local legal practitioner to assist the independent panel member. I would be very content to follow this practice. It is always very helpful to have somebody to discuss problems and ideas with and to assist with drafting, particularly in my situation as an outsider which while it confers the advantage of independence has the drawback that one unfamiliar with the local procedures and culture may miss important nuances.

Yours sincerely

James Hamilton

From: Hynd JS (James) <James.Hynd@gov.scot>
Sent: Tue 28/07/2020 16:51
To: James Hamilton <[REDACTED]>
Subject: Ministerial Code Referral

Dear Mr Hamilton

I am still working my way through the different aspects of your email below. I hope to come back shortly on the terms of the final remit and I am also in the process of securing the support that you have identified.

In the interim, I attach a link to the SG website which includes details of the previous reports prepared by independent advisers. I hope this is of some help in giving you a sense of the nature and style of past reports.

<https://www.gov.scot/publications/ministerial-code-advisers/>

I am conscious of the deadline for your response to the Committee and will be in touch again in time for meeting that deadline.

With best wishes

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

From: Hynd JS (James) <James.Hynd@gov.scot>
Sent: Thu 30/07/2020 11:01
To: James Hamilton <[REDACTED]>
Subject: Ministerial Code Referral

Dear Mr Hynd

The draft remit appears to me to be clear and in order.

It might be useful to have a brief phone conversation just to be clear about everything. [REDACTED]

[REDACTED] Perhaps a call at about 5.00 pm if that is not too late?

Best wishes

James Hamilton

On Wed, 29 Jul 2020 at 18:36, <James.Hynd@gov.scot> wrote:
Dear Mr Hamilton

Please find attached a letter and remit for your final approval.

As I set out in the letter, I am working on putting in place admin and legal support for you.

Let me know if a call would be useful.

Best wishes

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

Constitution and Cabinet Directorate
Cabinet, Parliament and Governance
Division

abcd

T: [REDACTED]
E: james.hynd@gov.scot
James Hamilton
[REDACTED]

29 July 2020

Dear Mr Hamilton

SCOTTISH MINISTERIAL CODE: REFERRAL

I am writing to you in connection with the First Minister's decision to refer herself to the Independent Advisers on the Ministerial Code.

I now attach a revised remit which updates the version we discussed in early 2019. The key changes that have been made are to reflect the fact that criminal proceedings are no longer active, although a relevant court order regarding anonymity remains in place, and to bring into scope an additional meeting that might be relevant. Both new sections are highlighted in the remit.

The remit, with these changes, has now been agreed by the Deputy First Minister, John Swinney MSP, who has been delegated to lead on this matter in place of the First Minister.

If you are content to proceed on this basis, we are likely to publish the remit by way of an answer to a Parliamentary Question in the Scottish Parliament. We would aim to do this on Tuesday 4 August, to coincide with your reply to the Committee due that day.

I am working on putting in place the administrative and legal support to assist you in the way you have outlined. I will report back on this as soon as I can. In the interim, I would be happy to pass on to the Committee on your behalf your reply to their letter.

Please let me know if it would be helpful to discuss this further

Yours Sincerely

James Hynd

Ministerial Code: Remit for Independent Adviser

Background

It has been alleged that the First Minister breached the Scottish Ministerial Code in that she failed to feed back the basic facts of meetings and discussions held with Alex Salmond to her private office as required by sections 4.22 and 4.23 of the Code. The meetings and discussions in question took place on:

- 29 March 2018 – Meeting between Ms Sturgeon and Geoff Aberdein, former Chief of Staff to Mr Salmond, Scottish Parliament
- 2 April 2018 - Meeting between Ms Sturgeon and Mr Salmond at Ms Sturgeon's home.
- 23 April 2018 - Telephone conversation between Ms Sturgeon and Mr Salmond.
- 7 June 2018 - Meeting between Ms Sturgeon and Mr Salmond at SNP Conference, Aberdeen.
- 14 July 2018 - Meeting between Ms Sturgeon and Mr Salmond at Ms Sturgeon's home.
- 18 July 2018 - Telephone conversation between Ms Sturgeon and Mr Salmond.

It has been further suggested that, in light of those meetings, the First Minister may have attempted to influence the conduct of the investigation then being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure for Handling of Harassment Complaints involving Current or Former Ministers ("the Procedure").

Scottish Ministerial Code

The key relevant extracts from the Code are:

1.6. Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Ministerial Code and for justifying their actions to Parliament and the public. The First Minister is, however, the ultimate judge of the standards of behaviour expected of a Minister and of the appropriate consequences of a breach of those standards. Although the First Minister will not expect to comment on every matter which could conceivably be brought to his or her attention, Ministers can only remain in office for so long as they retain the First Minister's confidence.

1.7. Where he or she deems it appropriate, the First Minister may refer matters to the independent advisers on the Ministerial Code to provide him or her with advice on which to base his or her judgement about any action required in respect of Ministerial conduct. The findings of the independent advisers will be published.

Contacts with External Individuals and Organisations, including Outside Interest Groups and Lobbyists

4.22 Ministers meet many people and organisations and consider a wide range of views as part of the formulation of Government policy. Meetings on official business should normally be arranged through Private Offices. A private secretary or official should be present for all discussions relating to Government business. Private Offices should arrange for the basic facts of formal meetings between Ministers and outside interest groups to be recorded, setting out the reasons for the meeting, the names of those attending and the interests represented. A monthly list of engagements carried out by all Ministers is published three months in arrears.

4.23 If Ministers meet external organisations or individuals and find themselves discussing official business without an official present – for example at a party conference, social occasion or on holiday – any significant content (such as substantive issues relating to Government decisions or contracts) should be passed back to their Private Offices as soon as possible after the event, who should arrange for the basic facts of such meetings to be recorded in accordance with paragraph 4.22 above.

The First Minister has, accordingly, referred the matter for consideration by one or both Independent Advisers for advice on which to base her judgement about any action required in accordance with the Code.

Remit

The remit for the referral is to:

1. Review any relevant documentation relating to the meetings and discussions listed above.
2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.
3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.
4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.
5. Provide the Deputy First Minister with a report setting out the findings and conclusions with regard to:
 - i. whether the Ministerial Code is engaged regarding the meetings and discussions;
 - ii. whether there has been any breach of the Code and the nature of any such breach; and
 - iii. if a breach has occurred, advice on the appropriate remedy or sanction.
6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.

Timing

The Independent Adviser is invited to commence the investigation and submit a report as soon as possible.

Publication

The terms of this remit will be published.

The final report will be published. If required, the report will be redacted to remove the risk of any complainant being identified and otherwise to ensure compliance with the terms of the order made by the court in the criminal proceedings.

Payment

Appointment as an Independent Adviser does not attract payment. Reasonable travel and subsistence costs will be paid in line with normal Civil Service rules.

Secretariat

The Scottish Government will provide secretariat support as required.

Scottish Government
July 2020